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A PROFILE OF CANADIAN ALTERNATIVE SENTENCING PROGRAMMES: A NATIONAL REVIEW OF POLICY ISSUES

Research Reports of the Canadian Sentencing Commission

Canada

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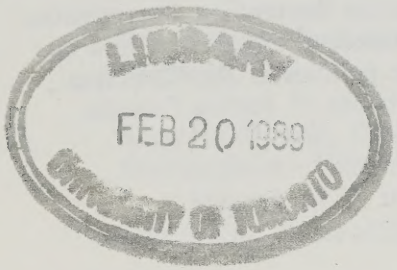
A PROFILE OF CANADIAN ALTERNATIVE SENTENCING PROGRAMMES: A NATIONAL REVIEW OF POLICY ISSUES



John Ekstedt and Margaret Jackson
Simon Fraser University
1988

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As the Sentencing Commission research was taking place, numerous other studies on alternatives to incarceration programmes were simultaneously underway, thus overloading corrections management across Canada who were attempting to provide requested information. This was most unfortunate and we hope that the whole experience has not jaded corrections' willingness to participate in similar future research. Despite this inconvenience, we received a full supportive response from most provinces. For this we are most grateful and, therefore, are indeed pleased to acknowledge those who kindly imparted their knowledge to us.

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INTRODUCTION

The Simon Fraser University Institute for Studies in Criminal Justice Policy entered into contract with the Canadian Sentencing Commission on November 15, 1985 to perform the following services:

1. Conduct a nation-wide survey to identify programmes in Canada which can be regarded as "alternatives to sentencing dispositions" available to Canadian courts in the determination of sentences;
2. Conduct a review of Canadian literature from academic, government and private sources defining and evaluating the said "alternatives to sentencing dispositions" programmes; and
3. Identify the financial and human resources allocated by various governments and agencies to support "alternatives to sentencing dispositions" programmes.

This enquiry is in keeping with the mandate and terms of reference of the Canadian Sentencing Commission which includes the responsibility:

> To investigate and develop separate sentencing guidelines for:
>
> (i) different categories of offences and offenders; and
> (ii) the use of non-carceral sanctions.
>
> And, in so doing, to:
> Take into consideration sentencing and release practices, and existing penal and correctional capacities.

The time frame for this study was extremely limited, particularly when considering its national scope. It was necessary, therefore, to place limitations on project activity and carefully define both the quality and quantity of information desired to successfully complete the project.

It was not possible to know the extent of the limitations we would be facing immediately on initiating the project. However, several issues emerged early in the project which required us to make some adjustments in relation to our survey methodology and the depth of inquiry we were able to undertake.

First, since the majority of survey respondents were intended to be persons representing government programmes and administrative bodies, it became evident that our survey would be hampered somewhat by its timing. The period of time from the second week in December to the second week in January was lost to us for purposes of survey activity. A significant effort was therefore required to obtain a reasonable sample of survey responses from across the country in time to meet the contract deadline of January 31, 1986.

Second, it became clear early in the project that a number of agencies were initiating both national and regional studies on alternative dispositions. Over the term of this contract, four other major projects involving the same jurisdictions and surveying the same programmes were identified. These programmes were essentially unaware of each other's existence, or of the

manner in which they were potentially duplicating each other. Several attempts were made to coordinate our research initiatives with the work being undertaken through these other reviews, which detracted from the time and energy commitments required for the research itself, and in any case was not that successful.

Third, at the time of the survey, senior level management in corrections was involved with budgetting issues for their jurisdictions. As well, in specific provinces, there were major organizational changes taking place; in Quebec there was the process of the splitting of one ministry into two; in Nova Scotia, preparations were being made for a take-over of provincial jails.

As a result, we have placed the emphasis in our review on questions of evaluation and policy preference as expressed by each jurisdiction with administrative responsibility for alternative disposition programmes. We then compared these responses with information on the range of commitments across Canada to various forms of alternative sentencing programmes.

Selection of Programme Categories

The selection of specific programme 'types' for review occurred as a result of conversations with the Canadian Sentencing Commission together with a review of literature describing and categorizing alternative sentencing programmes

primarily in Canada. As a result, programmes were selected which are evidently viewed as 'alternatives' in some sense or which are regarded as having the potential to evolve or develop as true alternative dispositions or noncarceral sentencing options. The Sentencing Commission identified its interests as "including and with particular emphasis on community service orders and intermittent incarceral sentence and such other novel programmes as may be identified". Four categories of programmes emerged which are consistently regarded as 'alternatives'. These are: fine option; community service order; restitution; and victim/offender reconciliation. The intermittent sentence is an example of an alternative disposition directly available to the court at sentencing, which may or may not take on the characteristics of a distinctive programme. Temporary absence is regarded as the mechanism by which many alternative programmes are accessed. It is therefore worthy of review both as a programme in its own right and as means by which correctional institutions are able to promote and support alternative sentencing measures.

Similarly, adult attendance programmes are often considered to be alternatives to traditional programming and, as such, are included in this review. The Canadian Sentencing Commission has expressed an interest in prison industries and these programmes are included here as potentially representing an alternative program within the range of incarceral sanctions. In order to distinguish prison industries from other forms of traditional institutional work programmes, prison industries have been

defined as involving "the making of any product or provision of any service for distribution or sale outside of the correctional system, and where revenues are anticipated as a result of the sale of the product or provision of the service".

Historical Overview - Alternative Dispositions

It was decided, early in the project, that there would be an attempt to locate only current review literature. This decision was made for several reasons. First, the terms of reference for the research project require an analysis of programmes presently operating in Canada. It was therefore necessary for us to choose a time frame which would likely give access to information on programmes still in operation. Second, a cursory review of the literature indicated that the vast majority of alternative sentencing programmes emerged in Canada after 1974. Third, it was determined that a watershed event occurred in 1973, which precipitated almost all the current programme development related to alternative dispositions. In December of that year, the first meeting in 15 years of Ministers responsible for corrections was held in Ottawa.

As discussed below, contemporary programmes which provide alternative dispositions available to the court when sentencing have much deeper historical roots than those events which transpired in the decade of the 1970's. However, it seems highly likely that a review of the policy and programme events which

emerge during that decade is likely to give as clear an understanding of current Canadian policy and practice in alternative programming as we are likely able to achieve. The various task force and study groups spawned by the continuing committee of deputy ministers; the work of the Law Reform Commission of Canada (1970); the unprecedented number of national conferences on issues associated with alternative programming (native offenders, female offenders, diversion, etc.); and the social, political and economic conditions which allowed unusual freedom for experimentation early in this decade; all make a study of these years especially valuable.

Historical Context - the Use and Abuse of Imprisonment

There is very little doubt that the current concentration on alternative dispositions is a direct result of factors associated with the history of imprisonment in Canada. The phrases 'alternative dispositions', 'alternative sentencing', 'alternative programmes', or even 'noncarceral sentencing options' are used in reference to the sanction of imprisonment. The development of alternatives is normally associated with concepts of deinstitutionalization reflected in phrases like 'alternatives to incarceration'. However, in spite of this inclination, the intent of these programmes in relation to imprisonment or any other objectives or dispositions provided for in law, is not always clear. Sufficient data is now being generated to allow for research which can at least begin to test

the proposition that many of these programmes act as direct 'alternatives to incarceration' and have the potential to result in deinstitutionalizing the offender population. It must be acknowledged that the debate continues as to both the purpose of these programmes and their 'result' in practice; more will be addressed in the conclusions. Part of the intent of the present research study, therefore, is to gather informed opinion on this issue.

In spite of this uncertainty of purpose, it can probably be demonstrated that the current interest in alternative programmes is a necessary and logical extension of factors associated with the evolution of the sanction of imprisonment itself. These factors have been discussed at length elsewhere (see, for example, Ekstedt and Griffiths, 1984, Chapters 2 and 3) and need only be briefly summarized here.

Since the introduction of the prison system in Canada (early to middle 1800's), the adult correctional system has evolved through several stages of emphasis particularly with regard to the use of prisons. Each of these stages has pushed the criminal justice system closer to its current interest in and emphasis on alternative programmes.

From confederation (1867) to approximately 1938, secure incarceration was the primary disposition available to the courts in sentencing. During this time, the federal/provincial structuring of corrections (as we know it today) occurred and

the federal prison system expanded. However, partially because of the concentrated emphasis on the use of prisons and the growing prison population, prison conditions worsened and the prison system was made subject to increasing criticism.

The end of this era probably occurred with the Archambault Commission (1938). This Commission sought to address both the conditions and the resulting criticism associated with prison programmes and, as a result, recommended that the punishment emphasis within the prisons be de-emphasized and replaced with attention to the reformation or rehabilitation of the offender.

The circumstances surrounding the establishment of the Archambault Commission and the recommendations emerging from its report helped to set the trend over three decades of experimentation within Canadian prisons in an attempt to meet the reformation/rehabilitation objective. The prison system became a laboratory for various forms of experimentation and a variety of initiatives emerging from both the medical and behavioural sciences. During this time, two other major commission reports were published. In approximately the middle of this era, the *Fauteaux Report* (1958) re-examined the objective of rehabilitation and confirmed it as a primary objective. Towards the end of this era the *Ouimet Report* again discussed the rehabilitation objective and, while confirming it, proposed that the objective could not be met within the prison system itself.

In addition to these reports, one other factor influencing the general evolution of Canadian prisons must be mentioned. In the early part of the 20th century, the *Juvenile Delinquents Act* (1908) was passed and proclaimed by the Canadian parliament. This act introduced into the Canadian criminal justice several important elements which, over time, would press the adult correctional system to make available to the courts various forms of community-based or 'alternative' dispositions.

The *Juvenile Delinquents Act* was the first important legislative initiative in Canada which recognized the value of distinguishing offenders by age. This legislation also introduced a concept of 'state care' which placed an onus on the state to assume both a preventive and rehabilitative posture, particularly in relation to neglected children and the mentally ill. This legislation promoted the use of non-institutional care and treatment options and provided a structure which promoted a constant exploration of alternative dispositions. One of the most important elements of this structure was the establishment of the function of the probation officer. While the probation role has been severely criticized, there is little doubt that the evolution of the probation system has had more to do with the creation of alternative dispositions in both the adult and juvenile justice systems than any other single organizational factor. Many programme experiments which have been initiated in juvenile justice systems since the proclamation of the *Juvenile Delinquents Act* have also become accepted programmes within the

adult criminal justice system (Corrado, LeBlanc, Trèpanier, 1983).

Also during this time, the cost of imprisonment (in the criminal justice system overall) escalated dramatically. By the early 1970's, it was clear that the escalation in prison costs could not continue unabated.

The decade of the 1970's, therefore, brought with it an intensive effort to deinstitutionalize many correctional programmes and introduced a rehabilitation model based in the community. This was the era of expansion of community-based corrections, the introduction of most forms of alternative programmes as we know them today, and the restatement of the rehabilitation philosophy to the philosophy of reintegration.

Many commentators report that the decade of the 1980's has seen a reaction to the intensity of effort during the 1970's to deinstitutionalize and de-emphasize the disposition of imprisonment. Increases in certain crime categories, and changes in the economy, have resulted in a general conservative trend which, at the very least, has resulted in a higher emphasis on punishment of the offender and a deemphasis on the rehabilitation objective, particularly as realized in the emergence of community-based programmes.

While many new initiatives emerged from the decade of the 1970's resulting in a wider range of options available to the court in sentencing, these initiatives were not equally

available across Canada or even within regions of Canada. A disparity in sentencing practice began to appear, specifically triggered by a difference in the availability of sentencing programmes. This exacerbated what was already perceived to be a problem of disparate sentencing resulting in further studies, task force reports and commission appointments.

Thus, the following report is the result of a study initiated by the Canadian Sentencing Commission, one of the study groups which has emerged in response to, and as part of, this historical development. It is against this background that the previously stated objectives for this project were devised.

METHODOLOGY

1. A contact person was identified for each province and territory of Canada. (see Appendix 'A' and Appendix 'B'). These persons were contacted by telephone and their assistance was confirmed with regard to:
   a. Identification and acquisition of any publications or reports available from their jurisdictions on alternative programming; and
   b. The distribution of a questionnaire to selected persons within their jurisdiction as well as the assumption of responsibility for completion of a questionnaire providing an overview of their jurisdiction (for a copy of the questionnaire see Appendix 'C').

   The surveys with explanatory material were submitted to each of these contact persons. In addition, contact persons were identified in the Federal Ministries of Justice and Solicitor Generals as well as the Canadian Centre for Justice Statistics.
2. A review of current literature was undertaken with particular regard to the eight categories of alternative programmes identified for review. These were:
   a. Fine Option Programmes;
   b. Community Service Orders;
   c. Restitution Programmes;
   d. Victim/Offender Reconciliation Programmes;
   e. Adult Attendance Programmes;

f. Temporary Absence Programmes;

g. Intermittent Sentencing Programmes; and

h. Prison Industry Programmes.

The literature review included government monographs and reports as well as academic research (see Bibliography attached). A summary sheet was devised to provide for consistent review of the literature (see Appendix 'D').

3. An analysis of resource commitments across Canada to the alternative measures identified for the survey as well as any other which emerge from the survey was undertaken. Information on resource commitments was obtained through the "administrative overview - adult alternative sentencing survey", a review of cost information provided by each jurisdiction (annual reports, budget statements, programme reviews, etc.) where available, a review of the most recent data held by the Canadian Centre for Justice Statistics in each of these programme areas.

4. The programmes and their operational definitions follow. In the accompanying diagram, the relationship of various programmes (numbered according to definition number) have to the courts is outlined. The complexities emerge in tracing the various routes and the options' access through the process.

Definition of Programmes

1. Fine Option Programmes

Includes work programmes through which persons are able to earn credits against:

- part or all of a fine owed
- part or all of the time to be served in default of paying the fine.

Includes the administrative process for accounting for fines paid and/or credit for work done (i.e., both court and corrections services).

2. Community Service Orders

Any community-based work programmes to which persons are assigned to satisfy the conditions stipulated in court orders.

3. Restitution Programmes

Includes restitution and/or compensation to a victim in the form of:

- cash
- return of goods
- repair of property
- payment in kind
- payment to third party for monies spent on the purchase of stolen goods.

4. Victim/Offender Reconciliation Programmes

Includes programmes through which the offender makes amends to a victim other than through restitution/compensation:

- apologies

- making contact between victim and offender and negotiating agreements
- victim impact.

5. Attendance Programmes

Includes any day-time or residential programme used by:

- inmates released on temporary absence
- probationers as a result of court orders
- probationers on a voluntary basis
- parolees as a condition of release.

6. Temporary Absence Programmes

Includes the early release of inmates into any programme outside the institution for humanitarian, work, education, counselling and other purposes as authorized by provincial and federal legislation.

7. Intermittent Sentences

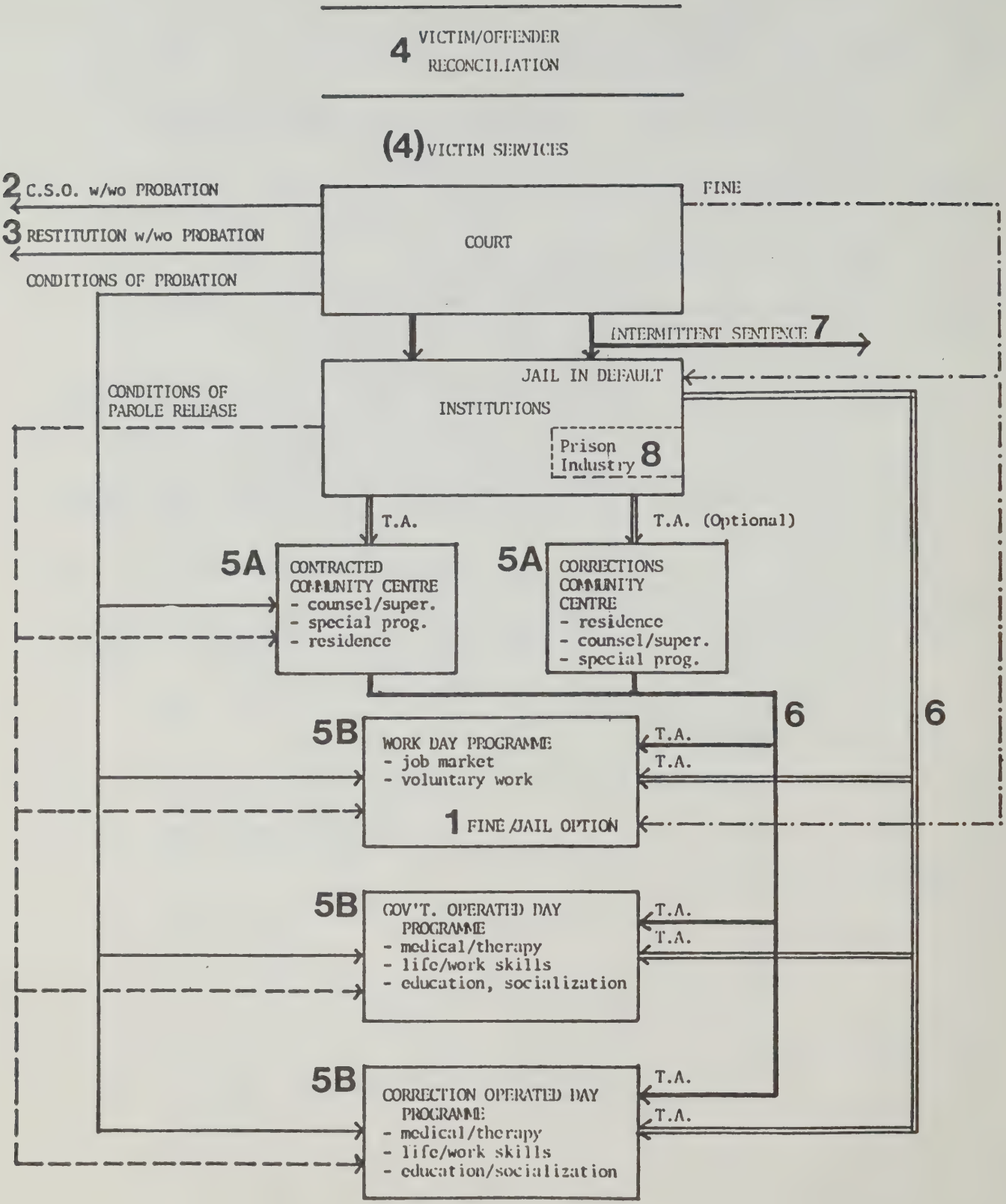
Includes sentences under section 663.(1)(c) of the *Criminal Code* served in correctional centres or police lock-ups.

8. Prison Industries

Includes only those programmes involving the production of goods and/or services for sale outside the government system which generates revenue.

Figure 1

SENTENCING ALTERNATIVES DIAGRAM



UNDERSTANDING THE OBJECTIVES AND GOALS

The shift to alternatives was first termed a decarceration movement by Scull in 1977. As well it has been referred to as 'deinstitutionalization', or a trend or diversion to community corrections or non-custodial options. If one were to look at sheer numbers, the development of the concept could be viewed as successful; the varied forms and types continue to evolve. However, the continuing debate is, what are they successful at doing; is it to alleviate jail overcrowding; reduce alienation from the community; is it the cost-effectiveness value; improved recidivism rates as compared with institutions; or perhaps the mere fact that the community programmes provide a wider range of options for the judge and the offender than is normally possible in a jail setting? In addition, what is to be their future, considering the movement towards a just deserts philosophy for courts. Alternatives have traditionally enjoyed a more lenient image than incarceration. What must happen to them in order for them to become accepted as more punitive - or, is it even realistic that they survive in these times of fiscal restraint and outlooks? We will now turn our attention briefly to the programmes themselves, their goals and objectives, their various forms, the numbers they process and the costs to run them.

In an attempt to understand the extent of the objectives and goals put forward in alternative programming one must initially explore the motivations of those initiating the programmes. A

preliminary review in Canada seems to indicate that many of the initiatives proposed as alternatives to incarceration arise primarily from economically-based arguments and secondly from an intrinsic desire to achieve an equitable solution for the individuals involved. As the cost of incarceration became prohibitive, both practitioners and academics were examining ways to circumvent these costs. The Conference on Alternatives to Incarceration in Toronto in 1979 as well as government reports on diversion (Allmand, 1973) provided a platform for these arguments. They also served as a launch for diversion proposals dealing with specific socially or economically disadvantaged groups which appear to be overrepresented in the criminal justice system.

In Canada, over the last ten years, when the majority of alternative programmes began, groups such as native indian and inuit populations have been targetted for diversion programmes. Economic arguments have been put forth as well as arguments for community-based justice; the opportunity for the community to take a participatory role in the administration of justice. Since the first initiatives were proposed in the early 1970's various forms of alternative programmes have been established for offenders, depending upon charge or specialized needs (counselling). The broadly based diversion suggested in the early publications (Long & Newman-Walton, 1977; *Diversion: A Canadian Concept and Practice*, 1978) have diversified into much more specialized programmes such as, restitution, fine option,

community service orders and others.

Given this non-traditional approach to sentencing offenders, problems inevitably arise. For example, in the High Level diversion project in northwestern Alberta, the Native Counselling Services of Alberta (1982) focussed on issues in community programme control, emphasizing the problems created by different expectations and perceptions of those with specific interest in the project. They discussed, at length, the importance of administrative and policy control and the consequences of the loss of such control. The project, which began in 1977, was conceived as a pre-trial diversion project for adults and juveniles. Its purposes were to provide restitution and reparation to the community. The goals were to provide an alternative to incarceration for minor offences and fine default; to divert minor offenders and to use community resources in the administration of justice.

The difficulties with the project occurred as a result of the funding arrangements which were made. The project was funded by two federal ministries and a provincial department. The evaluators noted that this made it very difficult for the programme to determine who maintained control. They stated:

> Community-based programmes must have control based firmly in the community and in the private agency which is administering the programme, not in the formal agencies of the criminal justice system (1982: 329).

The evaluation examined the recidivism rate of the offenders and the community support the programme had. However, their major

focus was on the efficiency of the programme and they made considerable comments on their review of management practices.

The alternative sentence planning for adult offenders in Manitoba, provides an example of a community-based initiative aimed at developing simple and centralized alternative sentencing programmes. It is unique in the sense that it is a planning programme and not a supervisory one. The commitment is to reduce the use of prisons, not so much for economic reasons as for humanitarian reasons. A proposal for an alternative sentence in the community is presented to a judge instead of a prison term and would be served under the supervision of a probation officer. The referrals are mostly from defence counsel and are based on a commitment to create a consistent, united approach to alternatives to incarceration.

Fine Options

Fine options as alternative sentencing programmes are perhaps one of the most established and recognizable alternatives available to adult offenders in Canada. The first fine option programme in Canada was created in Saskatchewan in 1975 and since, a number of provinces have proposed or implemented similar programmes.

The primary objective for using the fine option programme is to provide an acceptable alternative to incarceration for individuals who, for one reason or another, cannot pay a fine

assessed to them. The Solicitor General (*Sentencing Alternatives: An Overview*, 1979) suggests that the implementation of fine option programmes are intended to reduce costs of the administration of justice by providing an alternative to those who are unable to pay a fine assessed. However, they state:

> These programmes do not address the central problems of our present fine structure. They are interim measures whose very existence is a result of the inequities of the present non-adjusted fine structure in Canada (1977:77).

It is acknowledged that the vast majority of fines assessed are paid, and yet there are a great many individuals incarcerated for non-payment. The questions must then be addressed as to who is being incarcerated for non-payment of fines, and why?

Jobson and Atkins (1985) focus on the manner of enforcement of the fine in British Columbia and conclude that the inequity of the structure of the sanction is, or should be, unacceptable. They outline the circumstances of persons imprisoned on default and seriously challenge the justice and the legality of the process at common law and under the Charter. They reported that many of those who defaulted on their fines did so as the least painful (or most convenient) method of dealing with their situation.

This should be noted with interest, particularly in the context of British Columbia, as, at present, there is no fine

option programme in operation. Jobson and Atkins state:

> Over the past three years admissions to local prisons in B.C. for failure to pay fines ranged from 12% to 19% of all admissions, and the number of prison beds occupied by persons in default of fine payments ranged from 29 to 71 that is 29 to 71 beds on any given day (p. 45).

In 1980 a fine option pilot programme failed to get the support of the judiciary. There was concern that the province was infringing on federal jurisdiction in sentencing issues. Thus, the judiciary were inclined to wait for relevant federal legislation authorizing the development of such programmes. It appears the proposals put forth for jurisdictional fine option programmes attempt to address the issues raised by these questions in an evaluation of the social and economic needs of the community. The basic purpose of these alternative programmes is reparation to the community. In order to achieve this, specific programmes have tailored proposals and subsequent programmes, to the specific needs of the community.

On the Dalles reserve near Kenora, Ontario, Kabestra and Jolly (1981) stated that the objectives for the fine option alternative were to reduce the rate of recidivism among native offenders from the Kenora area and to provide short term non-residential community service placements for referrals. Similarly, the programme initiated in Manitoba takes special note of the overrepresentation of native offenders in fine default situations in their placement of community resource centres (CRC) on reserves. Presently there are 45 resource centres on reserves of the 116 established CRC's in the

province.

Hackett (1982), in her proposal for a fine option programme in central Newfoundland, discusses in detail the need for the programme to be assessed with regard to the social environment of Newfoundland, such as the problems of chronic unemployment, and other social problems which are often combined with high unemployment. She also notes, that like other proposals and programmes, this programme is "heavily reliant on voluntary participation of individuals and non-profit organizations in the community" (p. 19).

Community Service Orders

The community service order emerged during the late 1970's and early 1980's as the answer to the problem of jail overcrowding and the concern that offenders should be reintegrating better into the community. The community service order is presently issued as a condition of probation imposed under the Canadian *Criminal Code*, R.S.C. 1970, c. C-34, section 663 (2)(h) as amended, which states:

> ...comply with such other reasonable conditions as the court considers desirable for securing the good conduct of the accused and for preventing a repetition by him of the same offence or the commission of other offences.

In the 1981 edition of *Martin's Annual Criminal Code* (Greenspan, 1981), it is stated that:

> Sec. 663(2)(h) authorizes the imposition of voluntary community service as a term of probation: R. v. Shaw and

Brehn (1977), 36 C.R.N.S. 358 (Ont. C.A.).

It is a noncustodial sentencing disposition in which the offender serves his sentence by performing a specified number of community service hours, as allocated by the court.

The philosophy behind community service work came from a shift in correctional outlook from an emphasis on the institutionalization of inmates toward more community-oriented forms of sentencing. A number of goals and objectives have been stated for the community service order. There are three which comprise the current correctional outlook: punishment, reparation, and rehabilitation. Punishment is probably the least clarified objective served by community service. However, the defender must be away from his family in order to perform the required number of hours. Although he may not be perceived as being punished onerously, it is a deprivation of certain personal aspects of the offender's life. But, primarily, he is thought to be providing a service to the community.

The second goal, reparation, is one of the primary focuses of the community service order, the offender is making amends to the community. As well, he is repairing his lack of contact with the community. This may allow a closer achievement of justice as explained by Coker (1977) in which he states that community service allows the making of amends. With an assessment of damage done by the offender, the ordering of compensation for which he is striving is a more practical objective.

Rehabilitation, the third component of this approach to the treatment of the offender, is seen as being achieved through the opportunity to acquire better work habits, perhaps technical ability, and acquiring new skills. He also has the opportunity of forming new relationships with non-offenders. The offender can build his self-esteem and self-respect through this contribution to the community.

The advantages of community service programmes to the offender, as well as to the community, have been indicated in a number of studies. The primary ones are the fact that the problem of overcrowding in the institutions should be reduced by this programme. This is a controversial assertment. Another often stated advantage is the fact that the cost of the programme is far less than for the cost of imprisonment of the offender. For example, in Ontario, an estimate was made that while imprisonment of the offender costs approximately $50 per day, supervision through a CSO costs only $2.35 per day (Polonoski, 1979: 2). In addition, the social costs of imprisonment supposedly are removed since the offender is not in the institution, not exposed to the consequences of institutionalization. The offender is able to maintain his ties with family, work and other commitments. As well, the offender is required to be involved in the sentencing process rather than being a "largely passive recipient of justice". Finally, it should allow for the development of new perspectives from both the community's as well as the offender's involvement. The

community should allow for the development as an individual instead of a negative stereotype.

As has been well documented, the community service option began in England as a result of a recommendation from the *Wootton Committee Report* of 1970, which looked for ways to relieve overcrowded conditions in the institutions, especially from the pressure of many offenders who were serving short term custodial sentences. The Wootton proposal was that the courts would be able to order offenders to carry out a number of hours for the community. The scheme was developed separately in six different areas of Britain and became a new sentence of the court in 1973.

Here in Canada, the idea that both young and adult offenders perform community service was an established concept for many years. However, it was not until the 1970's that the use of community service was proposed on a more structured basis.

Restitution Programmes

Concern for victims of crime has become an important focus of attention for criminal justice agencies. Restitution is one of the simplest concepts available to criminal justice officials which "appeals to both common sense and the principle of natural justice that an offender should make good the loss or damage suffered by the victim of a crime" (Zapf, 1984: 1).

The concept of restitution is not a new one since historically victims have enjoyed the right to reparations. However, it has only been the last twenty years that formal restitution programmes have been implemented in North America (Nasim & Spellisay, 1985: 9).[1]

The literature has revealed a lack of consistency in the use of the term restitution, a situation which has been referred to as being in "a state of anarchy" (Irwin & Fox, 1984: 4). There is considerable difference of opinion as to what the definition of restitution is and there are very few established principles governing its application.

The terms restitution and compensation are frequently used interchangeably but they do have different meanings. Distinct from restitution, the term compensation refers to money that is paid to the victim by the state (Zapf, 1984: 14). The current meaning of restitution within the *Criminal Code* has been defined narrowly to indicate the return of property to the lawful owner. Sections 616, 654 and 655 have to do with restoration of property which was held by the police for the purpose of trial and for the restoration of stolen property by third parties. Under section 388, the court may order restitution in cases of property damage but the amount may not be over $50. The least used section is 653 of the *Criminal Code* in which a victim may apply to the court at the time of sentencing of an indictable

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[1]In most programmes in Canada, restitution is ordered in conjunction with a sentence of probation.

offence for restitution for loss or damage to property. Perhaps the most frequently used section is section 663 which provides that restitution may be a condition of a probation order:

> 663.(2) The following conditions shall be deemed to be prescribed in a probation order, namely, that the accused shall keep the peace and be of good behavior and shall appear before the court and when required to do so by the court, and, in addition, the court may prescribe as conditions in the probation order that the accused shall do any one or more of the following things specified in the order namely,....
>
> (e) make restitution or reparation to any person aggrieved or injured by the commission of the offence for the actual loss or damage sustained by that person as a result thereof....

These possibilities outlined above are not, however, the only way of receiving restitution as a victim has the option to initiate civil action for restitution. It is largely due to these varied definitions and modes of application that Chase (Swanton, p. 5) has concluded restitution in Canada is in a state of lawlessness for three reasons: first, there are very few established principles governing its application; secondly, there is a lack of application where the law is; and thirdly, there is a lack of simplicity. All things considered, restitution can be a viable alternative to incarceration in Canada, but, in order for restitution to be a successful sentencing alternative programme, several problems must be overcome. These problems are revealed in the evaluations of the restitution programmes in Canada to be discussed. The success of each of these programmes depends on how well they overcame these difficulties.

Not surprisingly, restitution was found to be most successful when it operated within the bounds of a programme. Restitution in the Yukon was not set up until 1984 under a specific programme and the results reflected this deficiency. Specifically, the Yukon had problems collecting and enforcing restitution payments. But when a programme was established that was administratively and structurally organized, it fared much better. Both the Alberta pilot programme and the Saskatchewan programme had higher success rates than that of the Yukon. The Saskatchewan programme proved to be very efficient because they had special co-ordinators hired to initially provide a means assessment to determine the ability of the offender to pay restitution and to supervise offenders to ensure payment was being maintained. Additionally, they kept good contact with the victims and criminal justice officials to ensure their satisfaction and co-operation. In the end, enforcement was carried out much more effectively and the victims' and criminal justice officials' satisfaction was high. It is important when implementing any programme that an integrated approach be taken. What this means is that a programme does not exist in isolation but depends on the support and co-operation of all agencies and officials operating within the criminal justice system. The Saskatchewan programme has achieved this goal.

Generally speaking, restitution has been reserved for minor offenders, specifically property offenders, as was the case in Saskatchewan and the Yukon. In Alberta there was a more

heterogeneous group of offenders; those convicted of fraud and false pretences were also included but they tended not to complete their restitution order. It was concluded that more minor offenders fared better than the more sophisticated criminal. However, these findings stand in contrast to the conclusions made in the Ontario study. The authors suggested that a selected group of the more serious offenders may benefit from a restitution programme. This is definitely an area which requires closer examination.

Victim/Offender Reconciliation Programmes

Victim/Offender Reconciliation Programmes (VORP) in Canada, have arisen, to some extent, out of a sense of isolation and from feelings of neglect on the part of the victims of crime in their interaction with the justice system. Friesen (1985: 1) states:

> Concerns such as these, along with the knowledge that the current system dehumanizes the offender, leads to the destruction of persons rather than rehabilitation, have prompted agencies in Canada to establish mediation programmes that can serve as viable and helpful additions or alternatives to the criminal justice system.

Friesen continues by indicating that this response to crime is directed more toward healing, reconciliation and the re-establishment of the community rather than to the adversarial process of the criminal court and the punitive ways of the correctional system (1985: 2).

Other programmes have stated in their proposals for implementation that the particular programme was initiated in an effort to overcome the situation in which the original disputants no longer have any meaningful participation. It is an attempt to personalize and humanize the criminal justice process. This alternative would provide a community-based mechanism for resolving minor criminal conflicts at the post-charge/pre-trial stage (*Proposal for St. John's Community Mediation Centre*, 1983). The mediation services in Manitoba operate on this basis as well, but in addition include post-plea mediation. VORP's major purpose then, is to reduce the complexity of the situation which arises in the justice system once a minor offence (often restricted to summary offences) has occurred and to assist in the reparation of the community identity.

Much of the emphasis of VORP's is focussed on the necessity of community participation in the justice system and on the demystification of the process and the individuals involved. There is a strong commitment to this type of diversion that is seen as an efficient and cost effective alternative to incarceration. The use of the correctional system is very often misdirected to those offenders who certainly do not require incarceration for the protection of society.

Attendance Programmes

The availability of attendance programmes, residential or otherwise, as an alternative disposition for the courts is difficult to assess. There are a variety of community-based organizations in Canada offering counselling or skills training targetted at a specific population and aimed at overcoming a specific regional concern. Probably of more concern in this case is the exposure some of these programmes have in the community. In order for these attendance programmes to become viable sentence alternatives they must be recognized and accepted by the judiciary as such. This study indicates that this may be one of their greatest stumbling blocks.

Attendance programmes may be accessed by persons in custody, on temporary absence, parole, probation and in certain cases, by individuals in the community.

Residential attendance programmes espouse programmes in government community correctional centres and in contracted community residential resources where there are provisions for: residence only; residence with supervision, and special programmes (e.g., impaired driver programmes).

Daytime attendance programmes require persons to attend during specified hours of the day.

A variety of rehabilitative and reintegrative programme types are considered to lie within the attendance programme sphere; psychological; sociological and physiological therapies;

life and social skills training; and counselling. Most jurisdictions have some or all of these types of programmes available for offenders and only those which are unique or fall into the more traditional "programme" category will be discussed in detail.

Alternative sentencing programmes emphasizing a therapy regimen in Canada, take on many different forms depending upon the specialized needs of the offender. The purpose of these programmes is the rehabilitation of the offender in a general sense which is tailored to the objectives of the particular treatment programme. The study has identified a variety of types of attendance programmes. They include:

1. Impaired Driving Programmes (IDP);
2. Treatment for Assaultive Males;
3. Sex Offender Programmes; and
4. Shoplifter Counselling.

A number of provinces have set up impaired driver treatment programmes, often in response to a reported increase in the incidence of impaired driving or the arrests, and from reports of the increasing social costs of drinking and driving. The objectives are to educate the convicted impaired driver on the negative effects of drinking and driving as well as the public; to heighten awareness, appreciation and understanding of the problem; and to induce long range attitudinal changes regarding drinking and driving. The objective of dealing with the problems underlying alcohol abuse is therefore combined with the

development of a viable sentencing option and appropriate follow-up or aftercare; the ultimate goal being the reduction of repeat convictions. As a rule these programmes are in conjuction with a probation order.

Therapy for assaultive males has increased dramatically over the last few years. Browning (1984) notes that in 1981 there were four treatment programmes for assaultive males. In 1984 the National Clearinghouse on Family Violence was aware of over 30 such programmes. Family violence is not new, however, the work of women's organizations to provide safe houses for victims has gained a much higher profile. They are now intent on preventive rather than reactive measures to combat the problem. Literature from the United States has revealed programmes regarding treatment for men, which has:

> ...helped sensitize a variety of individuals to this option and reduce inhibitions about beginning offender treatment by providing workable structures and guiding principles (p. vii).

The emphasis in the vast majority of programmes is focussed on the assaultive behaviour as a learned response to a man's anger problems and not necessarily on the relation to marital difficulties. An exception to the rule is a programme in Edmonton, Alberta which places a strong emphasis on brain malfunctions as a contributing factor to wife assault (Browning, 1984: 36). The objectives, then, for the most part, are aimed at recognizing and confronting the violent behaviour and ultimately replacing it with appropriate non-violent and interactive

responses. Essentially what is required in this 'rehabilitation' is a strong emphasis on sex role socialization, specifically male socialization. The structure and content of the programmes vary to include, for example, a didactic social learning approach, confrontation therapy and role playing exercises. The goal is ultimately based on:

> ...helping the man to accept personal reponsibility for his violence, convincing him that it is destructive to himself and others, teaching new ways to express anger and deal with frustration, increasing the awareness and expression of other feelings and developing a new view of male-female relationships (1984: 35).

A report on sex offender treatment programmes in Canada by Wormith and Borzecki (1985) outline 12 programmes. It is an extention of an exercise in 1984 of a similar review of U.S. programmes to a survey of Canadian services. Six of ten provinces reported having established programmes. There was wide variability in the programmes, some dealt with nonviolent, nonhabitual offenders others with all sex offenders. However, the general orientation was noted in the popularity of psychophysiological assessment techniques, conditioning, impulse control and self-management approaches to therapy. The majority of the programmes are conducted in a hospital setting and, therefore, have strict referral criteria. Wormith & Borzecki state:

> ...being convicted of a sex offence does not guarantee participation in a sex offender treatment programme. The data indicate that in general, risk is not a big priority in admittance, contrary to the American practice. This finding is consistent with data presented elsewhere (Wormith, 1983) suggesting that individual motivation is given considerable weight in the selection

of sexual offenders of existing programmes in Canada (p. 11).

Counselling programmes for shoplifters have been established in various jurisdictions in Canada, under various administrative structures. For example, in Manitoba, the programme operates out of a probation office and is facilitated by a probation officer, whereas in British Columbia, the programme operates out of the Elizabeth Fry Society. The majority of the offenders appear to be women and the aims of these programmes are to get at what is presumed to be the underlying social and psychological problems facing the offender which are manifested in the shoplifting behaviour.

Temporary Absence Programmes

All provinces and the federal government have some sort of temporary absence programme (TA). This administrative programme allows incarcerated offenders the opportunity to enter the community for short periods of time either on a daily temporary absence (the offender must return to the facility each day) or a full temporary absence (the offender must return within a specified number of days). A release may be granted for medical, educational, humanitarian, recreational or employment reasons. Applicants are usually screened prior to release and appropriate precautions are taken to ensure that the community is not placed in danger.

Persons released on a temporary absence may reside in correctional institutions or within community residential resources. Many of the attendance programmes, run under the umbrella of the community residential or correctional centres, or within the community itself, serve persons on temporary absences.

Intermittent Sentences

In 1972 the Canadian Parliament introduced the concept of intermittent sentence into the *Criminal Code*. As amended, it now reads:

> 663.(1) Where an accused is convicted of an offence the Court may, having regard to the age and character of the accused, the nature of the offence and the circumstances surrounding its commission....
>
> (c) where it imposes a sentence of imprisonment on the accused, whether in default of payment of a fine or otherwise, that does not exceed ninety days, order that the sentence be served intermittently at such times as are specified in the order and direct that the accused, at all times when he is not in confinement pursuant to such order, comply with conditions prescribed in a probation order. (*Criminal Code*, R.S.C. 1970, c. C-34 s. 663(1)(c)).

Although the *Criminal Code* explicitly requires a probation order, this is not always included in the sentence (see Ontario - Crispino & Carey, 1978). There are also inconsistencies among provinces on whether the probation order can extend beyond the intermittent sentence term (Dombek & Chitra, 1984).

In general, this type of sentence allows the offender to maintain a job or continue with an education, financially

support his/her family and also serve the imposed sentence (Dombek & Chitra, 1984: 45).

Prison Industries

Within the realm of the term prison industry numerous programmes have been implemented. The primary emphasis is to assist the inmates by promoting good work habits and providing prisoners with the opportunity for gaining employment training or work skills that would aid offenders in their transition to the community. The pay system offers the financial incentive for prisoners. It allows them to support their families and/or pay restitution, and the accumulated savings are beneficial in the re-integration process.

The definition employed in this report is slanted toward the economic argument for prison industries. It is an alternative to traditional prison programmes in the sense that these programmes incorporate a cost-effective policy. Not only do the rehabilitative and re-integrative benefits discussed above flow from these types of programmes, but there is also a real potential for it to be a revenue generating industry. Thus, the definition of prison industry we have employed is limited as follows:

> The making of any product or the provision of any service for distribution or sale outside of the government system and where revenue is anticipated as a result of the sale of the product or the provision of the service.

To date, only a few prison industries fall within our prescribed definition even though an attitudinal survey conducted in the Metropolitan Toronto area in 1971 came to the conclusion that:

> [the] results allow an optimistic forecast of the success of attempts to gain the support of the private sector. Although lacking in information about the prison industries programme, a sizable portion of senior executives in private business was strongly sympathetic to its rehabilitation and training objectives, acknowledged a need for private involvement in prison industries programmes, and thought such involvement was feasible (Saipe, 1973: 81).

Furthermore, Saipe states that a significant part of the sample, possibly maybe even the majority, agreed that prison industries should be allowed to enter the open market (p. 78).

Fine Option

The 1982 proposal for a fine option programme in central Newfoundland was turned down on philosophical grounds as not being equitable. It was stated that there was no overcrowding problem in the provincial institutions at that time. It may be of interest to note that the 1984/85 Annual report indicates that 35% of inmate admissions are for fine default alone. Expenditures by activity record community corrections as receiving 4.8% of budget and the remainder going to institutions and administration (Annual Report 84/85: 75)

The Director of Adult Corrections recently indicated that both fine option and VORP's had been seriously entertained for implementation, but financial resources are not sufficient to allow implementation. He further indicated that over one-third of inmate admissions are for fine default alone, as stated above, "by far the most widely used criminal sanction". "Given the inequity of the fine sanction, it seems appropriate that this alternative be explored as a means of making the system more equitable while reducing population counts." It has not been formally reconsidered to date.

Community Service Orders

The rationale presented for the community service order (CSO) programme in Newfoundland was outlined by Hackett, in a report to the Department of Justice, Adult Corrections Division, which examined the programme for a period from April 1, 1980 to September 30,1980. The CSO was to be more severe than probation. It was to deter the offender through a sentencing alternative which was punitive, yet offer a greater possibility for rehabilitation than imprisonment. In this evaluation of the first six months' operation of the pilot programme, it was reported that students were hired through a Youth Job Core Programme of the Solicitor General to work on a project to implement the CSO programme designed by the Adult Corrections Division of the Department of Justice. There were 16 probation orders made during the initial pilot period which contained a community service requirement totalling 1,304 hours of non-pay work provided to the community for an average of 81-1/2 hours per offender. The response of the agencies participating in the placements was very favourable. They expressed satisfaction with the work of the offenders and approval of the programme in general.

The conclusion to the report contained a number of recommendations which included a suggestion that there be a completion of pre-sentence reports for the CSO programme, which is a normal requirement in most provinces. This added work has

generated a greatly increased workload for adult corrections and, therefore, there is a need for an abbreviated form of the pre-sentence report. As well, it suggested that there was a need for recurring evaluation of the programme.

In the Annual Report for the period April 1, 1984 to March 31, 1985 for the community service programme in Newfoundland and Labrador, it was indicated that regional probation offices were established with the programme in St. Johns, Grand Falls, Corner Brook, Stevenville and Happy Valley. In the areas not serviced by a regional probation office, the Department of Social Services provides adult probation supervision for the courts for a total of eight offices. Interestingly, the purpose of the programme has shifted from being one which provides a strict alternative to incarceration for appropriate offenders to one that also provides a more intensive form of probation supervision of those offenders referred to the programme.

For the fiscal year ending March 31, 1985, 76 offenders were sentenced to community work as part of their sentence for a total of 6,043 hours; of those, 5,216 or 87% were actually carried out. At the prevailing minimum wage of $2.75 an hour, it was concluded that a total of $19,060 was returned to the community in the form of community service work. The average number of hours had decreased from 98 hours per offender in 1983/84 to 80 hours in 1984/85. On the other hand, the actual completion rate improved significantly during 1984/85 coming up from 55% to 87%. A persistent problem was indicated with

programme implementation in that there was an insufficient number of community agencies in which to place an offender. There are at present a number of individuals going through the programme who lack skills relative to the placement agency requirements and therefore appear unwilling to fulfill their CSO responsibilities.

The CSO programme in 1984/85 realized over 6,000 hours of volunteer service being provided to the community.

Problems identified were:

1. Lack of legislative authority for the CSO specifically (Bill C-19, *Criminal Code* amendments);
2. Lack of diverse community placement agencies at which to place offenders;
3. Lack of pre-sentencing by the sentencing courts for all CSO referrals (Courts requesting pre-screening in 70% of referrals as to suitability for CSO); and
4. Lack of personal injury insurance for offenders if injured in programme.

A descriptive report of CSO's in Atlantic Canada was carried out by the Department of Justice (Canada) in 1984.

The strengths of the programme were listed as being ones already encountered in the report, that is, allows atonement, enabling the offender to function in a punitive environment, and the rehabilitative benefits from taking responsibility for his/her performance.

Restitution Programmes

Restitution in Newfoundland does not operate as a specific programme but refers to a special condition of probation made under section 663(2)(e) of the *Criminal Code*. It has been actively used since 1977 with clients over the age of 18 being typical candidates. Some of the problems they have encountered thus far are indicative of a non-programatic approach: lack of means assessment as to the ability of the offender to pay restitution; enforcement difficulties in terms of willingness to pay and the fact that enforcement may interfere with the counselling component of probation supervision; and lack of feedback to the victim. But, at this time preparations are underway to commence a study into the use of restitution in Newfoundland.

Victim/Offender Reconciliation Programme

In 1983 the Legal Aid Commission and the John Howard Society of Newfoundland submitted a proposal for a St. John's Mediation Centre. It was defined broadly as pre-trial diversion for adult offenders and centred on the St. John's provincial court district. It was billed as the most efficient and cost effective alternative and intended to humanize the process in which the victim and offender ultimately had little meaningful participation once the criminal justice machinery began to move. Adult diversion began to look much more attractive during a

period of "severe fiscal restraint".

Referrals would be for generally minor offences and liable to summary or hybrid proceedings only. The critical element would be volunteer participation trained by staff in a major and intensive session once yearly. This was turned down on philosophical grounds stating there were no financial resources and that people should be held accountable for their actions. The proposal has not been formally reconsidered.

Attendance Programmes

The community correctional branch of the Department of Justice administers the Newfoundland Impaired Drivers programme through regional offices, in conjunction with the Alcohol and Drug Dependency Commission. It is funded by both the federal and provincial governments. This is an educational programme geared toward second time impaired driving offenders and consists of a series of five educational sessions. Attendance at an IDP session is required as a condition of probation under s.663(2)(h) of the *Criminal Code* and may be given as part of any sentence where probation may be given. It has been in operation since 1977, however, is not available on a province-wide basis. The objective is to educate the convicted impaired driver on the negative effects of the combination of drinking and driving.

The programme provides an educational opportunity for participants with the potential to evaluate their drinking and

driving behaviour, ideally with the result of attitude and behavioural change by the participant. It is considered relatively straight forward and easy to implement by those operating the programme, as well, it allows the community to become involved through volunteer participation. The programme was evaluated by the Alcohol and Drug Dependency Commission who stated its objectives were not being achieved. Through judicial pressure it was reinstituted and the community corrections branch, as stated, is operating it. Weaknesses of the programme which have arisen appear to be generally administrative in nature. They are considered to involve the resource people who provide the education to the participants; the lack of consistency in the use of the programme by the courts; and the fact that it is not available on a province-wide basis.

Browning (1984) did not identify any programmes established for treatment for assaultive males in the province. One has not been implemented as yet but is considered a priority within a year. From the survey it was noted that theraputic intervention programmes were seen as an emerging trend in the province. The example offered was a programme focussing on spousal assault.

Temporary Absence Programme

The province uses this programme extensively in all institutions (*Annual Report of the Adult Corrections Division*, 1984/85). Of the 2283 temporary absence applications in 1984/85

only 377 (16.5%) were denied. Only nine temporary absences were terminated for violations leaving a 99.5% successful completion rate (p. 44).

Persons on temporary absences spent 462 days at the John Howard Society-sponsored Community Residential Centre in 1984/85, which is just over half of the total residence days at the centre - probationers account for the other 428 resident days (p. 63).

The types of temporary absences allowed are: educational, employment, humanitarian, medical, administrative, recreational and Christmas (p. 44). Although temporary absences for recreational and administrative (pre-release) reasons are the most frequently used (38.4% and 22.9% respectively), temporary absences to seek, secure and maintain employment are also quite common (13.5%). Qualifying inmates may be released for a maximum period of 15 days.

Intermittent Sentence

In 1984/85, 136 (5.2%) of all admissions to institutions were on an intermittent basis (*Annual Report of the Adult Corrections Division*, 1984/85: 39).

Summary

The restitution and community service order programmes are well developed in Newfoundland and there is little doubt that the programmes will continue to grow in support of community-based alternatives to incarceration. The indications from the survey lead one to suggest that there is support for the concept of fine options, despite the apparent lack of resources, and the desire to see its eventual development. Currently, a feasibiltiy study is being conducted by the Federal Department of Justice. The survey respondents indicated a desire to see an increase in services to victims, and noted a trend toward such services as well as to theraputic intervention strategies.

Community Service Orders

As reported in the 1984 Department of Justice report for Prince Edward Island, the community service order programme was initiated in 1977. Provincial, and occasionally Supreme Court judges used the concept as part of their sentencing practices.

Financial support was received from Canada Employment and Immigration Commission through its Canada Works Programme, and, with the assistance and cooperation of the John Howard Society of P.E.I., four workers were hired to assist for a year. They work under the day-to-day supervision of probation officers operating from Montague/Souris, Charlottetown, Summerside, and West Prince.

An evaluation which was done on the programme from inception in 1977 to mid-1979, indicated there were 184 offenders who had been sentenced. Most of them had been placed on probation for three months, six months or one year. A total of 7,613 hours had been served with an average of 41 hours per order.

Recommendations which were made at the end of the report contained two of interest. First, the number of hours should not be restricted to the 40-240 limits (Recommendation 2). Second, the programme should continue to operate as at present, not to be expanded, and only used when appropriate (Recommendation 7).

Restitution Programmes

Restitution has been part of sentencing in Prince Edward Island for 11 years, but has received an increased emphasis in recent years; a revival which seemed stimulated by an increased concern for the victims of crime. The offender is required, as a condition of probation, to pay to the Clerk of the Court an established amount. According to the 1984 Justice Report, 75% of all individuals coming under probation supervision were required to pay restitution and/or perform community service. An interesting variation on the CSO/restitution arrangement allows for the offender to pay $5 per hour for time s/he does not wish to work on the CSO. Monies collected go into a community service work fund for the use of organizations or groups wishing to enhance their programming.

In a 1979 evaluation of the report by Mayne and Garrison, 79 cases of restitution ordered as a condition of probation orders were examined. Thirty cases were randomly selected for in-depth profiling. Amounts of restitution ordered indicated 75% were for less than $50; with 98% being less than $100. Seventy-five percent indicated payment would prevent further commission of future damage. Victim satisfaction with restitution appears to be relative to the amount of money received; more money and higher satisfaction are correlated.

Attendance Programmes

It seems to be the case that offenders are sent to programmes currently existing in the community. Browning (1984) records one programme which began in May 1984 in Charlottetown co-sponsored by the Protestant and Catholic Family Services Bureaus, Family Court Services, Anderson House, Queen's County Addiction Service and the Department of Justice. The goals are to help stop the violent behaviour by assisting the men to come to terms with their anger and act out in a non-violent manner. It operates on the assumption that violence is learned. The group is open to both voluntary and court-mandated referrals.

Temporary Absence Programme

For approximately 15 years inmates have been permitted to leave correctional institutions on temporary absences to attend school, seek or maintain employment and for treatment purposes. This re-integration mechanism is available for a maximum of 15 days, but can be renewed following an assessment. About 60 inmates received a temporary absence in 1985. The programme apppears to run smoothly, although at times there is confusion between this programme and parole.

A programme review conducted for general research interest in the late seventies evaluated the success rate and management efficiency of the programme.

Intermittent Sentences

Intermittent sentences are used sporadically, mainly for impaired driving convictions. However, there is a reluctance on the part of corrections to favour this sentencing option due to the perceived irresponsibility of the offender. The cost of the programme is minimal.

Summary

The development of alternative programme strategies in Prince Edward Island is similar to that of Newfoundland, and the comments in the survet indicate that the developments individuals would like to see are similar. Trends indicate a desire for services to victims and a victim/offender reconciliation programme. One respondent indicated a desire to see the establishment of a victim's compensation board, and a fine option programme. The Director of Corrections indicated that the province was supportive of alternative sentencing, however, cautioned that costs and potential benefits to the offender and the system would have to be seriously considered.

Fine Option

There is currently no established fine option programme in the province, only one pilot project operating in Lunenberg. It is approximately 14 months old and is administered by existing probation offices, thus accounting for no specific funding requirements. The programme deals only with offences related to provincial statutes not *Criminal Code* offences or motor vechile offences. The fine option programme is considered to be a high priority in the province at this time and it is hoped that in the near future it will be established on a province-wide basis.

Community Service Orders

This programme was first introduced in Nova Scotia in 1979. There are no general evaluations as yet available but Dr. David Perrier of St. Mary's University is currently conducting an extensive evaluation of the CSO program in this province. Furthermore, a document entitled *Province of Nova Scotia - Community Service Orders - A Canada-wide Perspective*, May, 1979 indicates some of the goals, philosophies, selection criteria, and nature of the order for the programme. In that document, His Honor Judge Hiram J. Carver is quoted as saying that success in the programme is attributable to caution, selectivity, a public profile, and a slow growth rate in the early stages of the

programme. The programme is perceived to be an alternative to the traditional methods of sentencing. Judge Carver's model for CSO's includes the consideration of having three months equivalent to 50 hours and six months incarceration equivalent to 100 hours of CSO work. The programme is operated through probation and there was an intentional reduction of work load for the probation service since it was perceived that an extensive amount of supervision and public relations would accompany the large variety of placements for CSO's.

At present, the CSO programme is adminstered in each of the 24 provincial jurisdictions by the probation officers. There is a form of 'Task Bank' which centralizes the process for listing of agencies and placement of offender (p.6). About eight of the 26 provincial court judges issue such orders. During the three calendar years 1982 to 1984, 1,790 persons received community service orders.

In each of the three probation service regions in Nova Scotia, there is a programme development officer responsible for developing placements for persons to carry out these orders. Most of the services are carried out for non-profit organizations. Less than one percent of the orders are for services related to "payment in kind" to victims.

Restitution Programmes

There are restitution/compensation orders attached to probation orders in the province of Nova Scotia. All restitution/compensation orders are paid to the court and, from there to the victim. The role of the probation officer in this process is to ensure that such payment has been made into the court. On occasion, restitution/compensation orders are placed as part of probation orders where the person is not required to report to a probation officer. In these cases the only record of completion of restitution/compensation orders remains with the court registry itself.

Victim/Offender Reconciliation Programme

The Attorney-General does not operate a victim/offender programme in the province at this time and it does not represent a high priority item within the branch. The Community Mediation Network in Halifax-Dartmouth operates a programme dealing with dispute settlement in family, neighbourhood and shoplifting situations. Referrals to this programme are from police, social agencies and service clubs. A Regional Programme Development Officer for the corrections branch feels that the police should get back into their role as mediators and their prior role as peace officers. It was felt also that there was a strong place for police in alternative measures programmes. Should then the programmes be developed, there is a question as to whether they

should be primarily administered through the police agencies, for better service delivery, and not through the probation offices as is often the case.

Attendance Programmes

At present there are no residential attendance programmes operational in the Province of Nova Scotia other than Howard House where the 1984/85 budget was approximately $16,100. The Howard House is used on occasion for destitute probationers and also to house persons who are released on temporary absence programmes.

In Nova Scotia probation orders can have a condition attached to the order for a person to be assessed by the Drug Commission for the purpose of providing drug treatment. However, the courts do not have the power to force such persons to undertake treatment. If the person wants to submit to the treatment programme on a voluntary basis, then treatment will be provided.

There is an IDP pilot project operating in the Bridgewater area for probationers. The programme is operated by the Motor Vehicle Branch and is the standard Safety Council of Canada Defensive Driving Course. Referrals are often from the Drug Dependency Council. First offenders make up 95% of the clients.

Temporary Absence Programme

Persons released on temporary absence in Nova Scotia generally fall into two categories of programmes. The first category are those which are operated by other government departments. Examples of these include the drug dependecy programmes operated by the Drug Commission in Nova Scotia, school programmes operated by Education, psychological counselling provided by the Department of Health and Labour Manpower Training programmes operated by the Department of Labour.

At this time there are no sex offender programmes in Nova Scotia nor are there any impaired driving programmes for persons released on temporary absence. Inmates in institutions can be released to hospitals as required on a temporary absence to receive medical services.

Except for the one day temporary absence releases, all temporary absence inmates are supervised in the community by probation officers for any temporary absence programme which requires ongoing continued release.

Those persons released on temporary absence programmes who are employed in a job are charged $5 a day for room and board in Correctional Centres. Generally speaking, family maintenance is not extracted from any inmate income on these programmes unless the person has been jailed under a contempt of court charge for

avoiding family maintenance payments.

The second type of temporary absence programme used in Nova Scotia is basically a community/inmate volunteer work programme. In some cases the inmates are released on a daily basis from institutions to such programmes and in other cases they are released during the week where they live at home and participate in the same programmes.

The average count in Nova Scotia institutions is about 385, of which approximately ten percent are involved in temporary absence programmes. The average number involved in these programmes fluctuates substantially throughout the year. The example given was that the federal make-work projects often provide opportunities for inmates to become involved in providing services and/or labour in the summer. During the winter months, however, the provinces negotiate with the federal government for these funds and few of these programmes are in operation.

With respect to the temporary absence programmes there are 12 probation officers, who have been assigned as full or part-time liaison officers.

Up until now the municipalities have been responsible for operating institutions in Nova Scotia. The *Court and Penal Institutions Act* empowers the Department of the Attorney General to carry out four functions:

1. to inspect institutions;

2. to oversee and manage temporary absence programmes;
3. to transfer inmates between institutions; and
4. to verify remission periods allotted to individual inmates.

As a result of this, the temporary absence programme was the only lever which the department had to allow the development of community-based programmes. In some cases the department also brought into the institution some educational programmes provided by local school boards. The local school boards, in turn, were reimbursed by the province for any such services they provided within institutions. It is important to note that all community-based programmes operational in the province of Nova Scotia are managed by correctional staff, mainly probation staff.

Intermittent Sentences

The Nova Scotia Courts do order intermittent sentences. In some instances, persons receiving such sentences are given immediate temporary absence releases.

Prison Industries

The only prison industry programme now operating is located in Lunenburg where inmates cut and sell cord-wood.

Table 1

Institution Statistics - 1984

Average Daily Count		
Sentenced	384.9	(15-20 fine in default)
Remand	55.2	
Total In-House Population	440.1	
Total On-Register Population	499.8	
Temporary Absence		
Educational	108	
Employment	372	
Humanitarian	349	
Medical	1309	
Administrative	756	
Rehabilitative	744	
Volunteer Work Programme	595	
TOTAL	4233 T.A.'s	
	(1612 Inmates)	

Summary

The desire of the Province of Nova Scotia to move in the direction of community-based alternatives to incarceration can be seen in the priority they are attaching to the development of a fine option programme. On the other hand, reconciliation

programmes between the victim and the offender do not represent a high priority in this sense. The establishment of attendance programmes in the province in addition to the community work programme indicates that the government is committed to alternatives, but to the more established forms.

Fine Option

The fine option programme is available on a province-wide basis with procedures requiring a judge to approve the use of the programme as an alternative to incarceration. The stage of intervention is later than other provinces, in that entry into the programme may occur as a result of a letter forwarded to the individual once the fine has been defaulted, or on instruction from a judge. The programme is run in conjunction with the community service orders by specialized probation officers who are responsible for the administration of the programme.

Community Service Orders

The CSO programme is available throughout the province and is administered by probation officers primarily, although para-professionals are contracted with the Department of Correctional Service to do monitoring placements, and record keeping (p.10). These individuals are basically volunteer workers who are paid a stipend of $150 per month.

During 1984/85, there were 282 admissions to the programme, of which 254 were successfully completed. A total of 18,871 hours were worked. The programme has been operational since 1978.

Restitution Programmes

Restitution is an order given by the courts in New Brunswick and usually forms part of a probation orders. In the city of St. John, probation officers take a more structured approach to ensuring that all restitution orders are paid. Probation officers in locations other than St. John are also responsible for the administration of restitution orders. The probation officers collect the monies and in turn give them to the victims. There is no data available at this time on the number of restitution orders in New Brunswick.

Attendance Programmes

There are no corrections-operated attendance programmes, however those placed on probation may have conditions attached to attend community-based programmes. Through conditions placed on probation orders, probationers are required to attend impaired driving courses which are administered by the New Brunswick Drug and Alcohol Commission. The Correctional Services do not pay for these courses. The John Howard Society has a contract with the Correctional Services to provide life skill and job training programmes for both inmates and probationers.

Browning (1984) records a programme in St. John focussing on violent behaviour as learned and provides a "psychoeducational approach to treatment" focussing on individual learning

experiences and general societal influences which produce violence in men (1984: 78). The majority of referrals have been voluntary, however, there are court-mandated referrals.

There is a province-wide programme available for impaired drivers called a Short High Impact Programme, (SHIP). Similar to other programmes, its objective is educational in nature regarding the effects of drinking and driving. The programme is provincially funded and is administered by probation officers in the corrections branch with the assistance of representatives from the Alcohol and Drug Dependency Commission for the presentation of the programme to the clients, primarily first time offenders.

Temporary Absence Programme

This programme is available on a province-wide basis and again it is administered by the community corrections branch. Probation officers supervise all temporary absences over three days in length. There are three types of temporary absences allowed in the Province of New Brunswick. First, a one day pass, which can be authorised by the Director of a custody centre. Second, three day passes, which must be approved by the Regional Community Corrections Administrator, and third, transfers to community residential centres. The last is through the inmates classification committee. The community residential centres in the Province of New Brunswick are operated by the government.

All persons placed in these centres must have previously acquired a temporary absence release. During 1984/85, there were 649 admissions to community residential centres, 294 releases for three day passes, and 1,669 one day temporary absence releases.

When inmates are released on temporary absence programmes to community residential centres, they are encouraged to participate in community-based programmes such as working for non-profit organizations, attending school, attending job placements, or other community-based programmes.

Intermittent Sentences

Intermittent sentences are used in the Province of New Brunswick however, there is no data available regarding the extensiveness of their use.

The Province of New Brunswick is considering a feasibility study to establish adult diversion programmes similar to those which are now operational under the *Young Offenders Act*. The experience in New Brunswick is that the alternative measures programme has sharply reduced the amount of time spent in court to process *Young Offenders Act* cases. They feel that some of these results might be achievable in the adult courts.

Summary

The alternative programmes available to adults in New Brunswick could be considered to be the more established, or familiar forms of alternatives to incarceration. The Executive Director of Corrections responded favourably to the suggestion that alternative sentencing programmes should continue to be promoted and developed. He also suggested that legislative authority be enacted to provide for such programmes.

Fine Payment Programme

The fine payment programme in Quebec, operated by the Ministry of Justice, is not a "fine option" programme in the sense that persons who are fined do not have the choice of not paying the fine if they have the means to do so. Those who can pay, must pay. In those cases where persons refuse to pay and have the assets to do so, civil procedures are instigated to seize assets. Where persons have no assets, that is, they do not have the means to pay the fine, they are offered the choice to perform compensatory work to pay off the amount owed as an alternative to imprisonment for the non-payment of the fine. If the persons do not have the means to pay, and do not consent to perform compensatory work, they are imprisoned for non-payment of the fine.

The legislative basis for the programme is found in the "*Projet de loi no. 67 - Loi modifiant la Loi sur les poursuites sommaires, le Code de procédure civile et d'autres dispositions législatives*" proclaimed in June 1982. Schedule A of the above *Act*, contains a table of equivalence between the amount of the original fine and the court costs, the compensatory work units and the days of imprisonment. The equivalences are scaled in a manner to encourage persons to select compensatory work rather than imprisonment; the value attached to the compensatory work

unit is approximately 20% higher than the value assigned to a day of imprisonment.

The objectives of the compensatory work programme are:

1. Provide an alternative to incarceration for the non-payment of fines;
2. Community involvement in the administration of justice;
3. Make offenders responsible for their actions; and
4. Humanization of services to offenders.

The Quebec fine payment programme is applicable to provincial statute violations heard in the Court of the Sessions of the Peace and to those violations and municipal by-law infractions heard in the municipal courts. The applicability of the "*Projet de loi no. 67*" to the Municipal courts in Quebec depends on the agreement of each of the 140 Municipal Courts to participate in the programme. Currently the "*Projet de loi no. 67*" does not apply to fines ordered under the *Criminal Code* or any other federal statute. In light of the provisions of Bill C-18, the ministry is considering the application of the fine payment programme to the federal statute violations.

The fine payment programme in Quebec proceeds along the following lines:

1. The Court orders the amount of the fine to be paid along with court costs. All fines are automatically to be paid within 30 days of the court order date.
2. If the payment is made within 30 days, the file is closed by

the fine collection officer. The fine collection officer, "*Percepteur d'amendes*", who is the agent in the Quebec Provincial Court, Detention Centres and the four Municipal Courts is responsible for the administration of the entire fine payment programme .

3. If persons owing fines require an extension to the period within which the fine is to be paid or wish to set up a fine payment schedule, they may do so in consultation with the fine collector. Once the fine is paid, the file is closed.
4. For persons with assets, but who refuse to pay the fine, the collector can initiate civil proceedings to seize wages, movable and immovable property. If in the opinion of the fine collector, the seizure of property would place undue prejudice or hardship on the person owing the fine, the fine collector can choose not to instigate proceedings.
5. In the event that persons fined do not have assets, or the fine collector does not choose to seize property, the fine collector can offer these persons the option of participating in the compensatory work programme. Persons who agree to do compensatory work are passed on to one of 13 referral agencies who are under contract in the "*Direction de la participation communautaire*" to provide work placement with about 2,440 non-profit agencies in the communities throughout Quebec. If persons refuse to perform compensatory work, the fine collector brings the matter before the court and has a warrant of committal ordered. If the persons agree to do compensatory work, agreements to that effect are

signed which specify the amount of work days and where the work is to be performed.

6. When persons fail to comply with the terms of the agreement, the fine collector applies to the court for a warrant of committal. If the agreement is fulfilled, the fine collector so advises the court and the file is closed.
7. Persons can choose to pay "outstanding" fines and the court costs at any point during the entire process including after having been admitted to jail. However, once admitted to jail, persons no longer have the option to do compensatory work.

During 1984/85, a total of 9,211 persons were referred to compensatory work placement of which 5,078 or 55% agreed to participate. Of those who entered into compensatory work agreements, 4,039 (80%) successfully completed the work. During 1984/85, the cost of the programme was calculated to be $924,675.

Community Service Orders

In Quebec, the attempt again, as with Saskatchewan, is for CSO programmes to operate as a true alternative to incarceration. This has been more successful primarily because of the more limited resources available which allows the programme itself to be much more focussed. There were pilot projects in six cities described in an article in *Liaison*

(January, 1979), in which 72 cases were studied in the pilot project evaluation presented. It was indicated that the programme's success really depends upon the creation of an adequate, varied and dependable reserve of community organizations as well as the understanding and cooperation of other departments (e.g., social affairs and education).

The work sentence in Quebec has been established as involving no fewer than 20 hours and no more than 120 hours. The administrative summary of the evaluation done on the six pilots produced in September 1983, indicated that the numbers have increased each year of opration for a total of 879 offenders being brought forward in the third year of operation. The average duration of the probation period in which the community service order was in effect, was 21-1/2 months by the third year. It was indicated as well that the CSO was combined with other sentences in a number of cases; for example, with detention, fine and restitution. In its overall assessment recommendations, it was suggested that the structure become more flexible so that a greater number of persons brought before the court could take advantage of the measure, while allowing the courts to apply it more rapidly (p.10).

During the 1985 calendar year, 1,100 persons were given community service orders averaging 100 hours each. Nearly all community service orders are attached to probation orders with a requirement to report to a probation officer. 4

All pre-sentence reports which are prepared at the request of the Quebec courts will, where appropriate, advise as to the suitability of a community service order. Prior to recommending a community service order sentence, the accused must give a written consent to comply with the terms of such an order. Although at present, the court cannot give a community service order which exceeds 120 hours or six months in duration, thought is now being given to raising the maximum to 180 hours. Probation officers are directly responsible for finding CSO placements in the communities and for supervising the programme. The Ministry of Justice is implementing an information system to monitor the CSO programme. There has been an evaluation done by the Department of Criminology, University of Montreal.

Restitution Programmes

In Quebec, all monies related to restitution orders, whether or not the restitution order is part of the probation order, are paid into court. Current policy of the Ministry of Justice does not require any involvement of the probation officers in monitoring the payment of restitution orders. Seldom do the Quebec courts specify restitution orders which involve "payment in kind".

Victim/Offender Reconciliation Programme

The Ministry of Justice initiated a pilot project in 1975 for conciliation within the community. The pilot programme operates in four locations: Quebec City, Saint-Foy, Beauport and Charlesburg. The general objective of the programme was to resolve cases involving summary conviction matters under the *Criminal Code* without invoking judicial proceedings.

Prior to the laying of charges by Crown counsel, the cases were referred to one of three conciliators. The conciliators contacted victims to seek their decision as to whether they wished the matter to be resolved by the courts, or informally. If the victim chose to proceed informally, discussions between the victim and the offender were set up to obtain an agreement as to how the matter would be resolved. Likewise, the accused had to agree on the basic course of action to be taken. When agreements were satisfactorily completed, Crown counsel was notified.

During 1984/85, 317 cases were referred to the programme, of which 241 interventions were completed during the fiscal year. Of the victims, 78% were stores and other enterprises from which goods were stolen. In 21% of the 241 cases, either the victim or the offender refused to resolve the matter through conciliation. In approximately 78% of the cases resolved through conciliation, the agreements involved the completion of work in the community for non-profit organizations. The costs incurred by this

programme are not reported separately.

Attendance Programmes

In Montreal there is a community residential halfway house, Carrefour Nouveau Monde, operating since 1975, which deals with dangerous offenders (murder, rape were noted offences) (*Liaison*, 1985: 15-17) and appears to be successful. It operates on a model of behaviour modification regarding social and behavioural skills and conditioning therapy through structured routine at the home. Recidivism rates have been recorded as being very low.

There is also a group therapy programme for violent husbands working along similar theraputic lines as earlier noted there is indication of the manner in which clients are referred or how the programme is funded at present (Browning, 1984). It operates on fee-for-service basis. Wormith and Borzecki (1985) identify a sex offender treatment programme at the McGill Forensic Clinic funded by provincial health and federal corrections. They deal with all sex offenders with much of its treatment techniques based in psychophysiological therapy.

The Ministry of Justice has contracts with three agencies who operate "*Ateliers de réinsertion par le travail*". During 1984/85, the three agencies provided 14,613 person/days of service at a cost of $454,100 to the Ministry. The main objective of this programme is to improve attitudes and skills of offenders to enable them to function better in the workplace.

Offenders are placed in this programme either by way of a condition of a probation order, a condition of release on parole or through temporary absence releases from detention centres.

The community residential resources, "*Les resources d'hébergement communautaires*", which is contracted to the Ministry consists of three types of residences:

Foyer d'accueil - 22 homes within which the offenders live with families; 6,201 person/days in 1984/85;

Centres d'hébergement communautaires - 11 residential centres used for offenders who do not present difficulties with respect to supervision; 51,027 person/days in 1984/85; and

Centres résidentiels commuautaires - 14 residential centres used for offenders who require supervision and counselling; 59,599 person/days in 1984/85.

As with the daytime residential programmes offered in the "*Ateliers*", offenders are placed in the residential resources by being releases on temporary absence from detention centres as a condition of release on parole. The total cost of the residential programme to the Ministry of Justice during 1984/85 was $4,000,500.

Temporary Absence Programme

One of the major policies of the Ministry of Justice, Quebec, is to use incarceration of offenders only as a last resort. The legal basis for releasing offenders from detention

centres on temporary absence is found in "*l'article 22 de la Loi de la Probation et des Etablissements de détention*". The types of temporary absence releases which are authorized include releases for the purposes of:

1. Medical Treatment - persons requiring treatment which cannot be provided within the detention centres; and
2. Humanitarian Leaves and Social Re-adaptation - all persons serving sentences can be released on humanitarian leaves and, for persons serving less than six months, leaves can be granted for participation in community-based programmes related to education, training and employment.

Among the temporary absence releases, two special programmes have been established. The "*Program pre-libératoire*" (PPL) has been established for persons serving sentences six months or more and "*Alternatives pour courtes sentences*" (ACS) for persons serving terms of less than six months. The Program pre-libératoire is aimed at younger persons who have minor criminal records and are motivated to participate in programmes which focus on improving self-image and self-control as well as acquiring skills and attitudes which will assist them in gaining employment and living within the community. The *Alternatives pour courtes sentences* programmes were set up for persons who have committed minor offences and who require special assistance with problems related to the abuse of alcohol or drugs, mental disorders, social isolation, anti-social behaviour and for those with physical handicaps.

The types of temporary absences which are authorized include:

1. short one or two day released from detention centres;
2. extended releases from detention centres for daytime attendance in community-based programmes;
3. fifteen day maximum releases for detention centres; and
4. releases to other contracted residential centres
   - residential homes (*foyers d'âccueil*)
   - community lodges (*centres d'hébergement communautaires*)
   - community residential centres (*centres résidentièls communautaires*)

It should be noted that the Ministry of Justice does not operate government owned and staffed community residential resources.

All persons released on temporary absences in Quebec are under the supervison of detention centre personnel; that is, they are not supervised by probation staff.

In 1984, there were a total of 28,418 temporary absence releases granted adding up to a total of 189,957 days of release.

Intermittent Sentences

The Courts in Quebec order intermittent sentences; appoximately six percent of all admissions of sentenced persons.

These sentences give rise to several administrative problems including:

- making beds available;
- difficulty of providing meaningful activity programmes in which these offenders can participate;
- difficulties arising from multiple admissions and releases; and
- controlling the flow of contraband into detention centres.

Prison Industries

There are prison industries at four locations in Quebec which provide goods and services to the private sector.

Camp 45 - inmates work in a bush camp operated by Reid Paper for approximately five months during the year; about 10 to 15 inmates are employed.

Bordeau, Montreal - inmates are employed in a variety of small sub-assembly projects for private sector clients; approximately 60 persons are employed on a year-round basis.

Detention Centre, Quebec - inmates manufacture small outdoor furniture which is sold through retail hardware stores; about 10 inmates are employed for six months during the year.

Bordeau, Montreal and Waterloo - inmates work on private farms during the spring and fall seasons; approximately 120 persons from the two centres participate.

Of the monies earned by the inmates, ten percent goes into a prisoners' fund, 40% is available to the inmates as disposable income and 50% is placed in a savings fund.

The average number of sentenced persons in Quebec was 1,742 during 1984/85. Of this total, about 100 to 130 were involved in prison industries generating revenue from the private sector; six percent to seven percent of the average number in custody.

Summary

Alternatives to incarceration, in Quebec, have been established in various forms in the community for a number of years. The use of attendance programmes is quite extensive and the establishment of the fine payment and CSO programme indicate an acceptance of the community to deal with a variety of offenders. Emphasis on a community-based alternative may also be noted, more specifically, with the consideration of increasing the hours of community service by offenders.

Fine Option

The programme has been operating since April 1983 and is provincially funded. It deals with adult offenders at the post sentence stage of intervention and is contracted out to the John Howard and Elizabeth Fry Societies. The programme is in a pilot stage operating in two areas of the province. An evaluative study is currently being conducted before a decision is made to expand the programme to other parts of the province.

The objectives are to reduce the number of individuals incarcerated for non-payment of fines, thus reducing the cost of housing fine defaulters in institutions. It is intended to provide an opportunity for positive personal adjustment on the part of the fine defaulter and reparation to the community through the performance of community work.

The overview indicates that the programme provides an opportunity for fine defaulters to pay off their fines in the community, however, the programme design makes it difficult to evaluate whether defaulters are in fact diverted from custody. It does not appear that the programme has impacted significantly on the prison population.

It may be interesting to note that in the overview of the programme no mention was made of any intrinsic benefit to the

community or offender, only an estimation as to administrative issues. The cost of the programme is $99,684 for fiscal year 1984/85.

Community Service Orders

In contrast with Saskatchewan, Ontario established its community service programme on the basis that it would be operational out of probation services. In November 1977, the Ontario Ministries of Correctional Services and the Attorney General announced that a number of CSO pilot projects would be set up. Apparently, prior to this day, judges had been using the disposition without a supporting structured programme. Therefore, by January 1978, there were six initial pilot projects. All but one of these was operated under contract to a private agency. This, again, is in contrast with the operation in other provinces. It was a deliberate policy decision by the Ministry to involve the private sector in the administration of the programme with the rationale that this would increase the extent of community involvement. These contracts specified there would be a community service order coordinator who would be responsible for the programme itself. The coordinator would develop a bank of work placements for assessing the offender, for matching the offender with an appropriate task and for ensuring that the work was done in a satisfactory way (Polonoski, 1979: 6).

The Federal Government of Canada, through the Federal Department of Justice and the Solicitor General of Canada, supported these initial projects, each Ministry contributing 25% of the cost for the first two year period. The pilot projects were then extensively evaluated by the Ministry of Correctional Services in a four report series. The initial sample was comprised of 689 probationers who had been issued CSO's as a condition of probation in the 12 pilot project areas. The results indicated that the type of offender being selected for the CSO programme tended to be a low-risk offender with a record of non-serious criminality. The offender was usually male, single, approximately 21 years of age, with evidence of stability in his life style (p. i).

There was little agreement among the judiciary as to how the CSO option was to operate. It was found that it had been used by them simply as another condition of probation, as a more stringent form of probation, as an alternative to incarceration and finally, as a separate sentencing option. Therefore, although the CSO programme had been initially intended to operate as an alternative to incarceration, as we noted for Saskatchewan, the low risk nature of the CSO population indicates that it was unlikely the CSO was being used as a true alternative to incarceration. The overall recidivism rate for the period of time from the assignment of the CSO to one year following the completion of hours was found to be 18%, which was lower than recidivism rates found for other available

programmes. However, this conclusion was qualified by stating that because of the low risk nature of the offender population, it was felt the high success rate was inflated. At the end of the study, which was the end of the third year since the research began, 85% of all the cases had been closed.

Two of the projects were programmes for natives. The London, Ontario project had the highest conviction rate during the CSO experience with 23% or three out of the 13 individuals. However, it also had the greatest proportion of clients to maintain contact with the community placement after completion of the CSO requirement. The Kenora project has been operated by the Ne-Chee Friendship Centre in Kenora since June 1973. The average CSO assignment was 62 hours. Over half the clients had been ordered to perform over 50 hours of community service. For some reason, more of the CSO probationers in Kenora provided dissatisfactory service at all their community placements than in the other projects. It also had the highest conviction rate among clients during the performance of their hours. These two descriptive studies point out a recurring problem with evaluating alternative programmes, indicators of success or failure do not emerge. Why one programme 'succeeds' while another 'fails' remains a mystery, so that considerations for future development of programmes is not guided by past experience.

There are currently 29 'in-house' programmes, 59 'out-of-house' programmes and two that do not receive funding from the Ministry of Correctional Services (Evans: 1986:28).

The survey results from Ontario indicate that the programme is geared to non-violent offenders leading to a reduction of the prison population. This is a programme done in conjunction with the sentence of probation. The strengths listed are that it has enhanced community involvement and participation, it has provided tangible benefits to the community in terms of unpaid services and it has been a positive and worthwhile experience for some offenders. The weaknesses listed were that it is difficult to evaluate whether the programme is an alternative to incarceration since, generally speaking, courts are not using CSO as a a true alternative, a point also made in the four-report evaluation of the initial reports (Polonski, 1979, 1980, 1981; Hermann, 1981). The principal criticism is that the programme has not impacted on the prison population as was intended. The cost of the contracts with private agencies for 1984/85 was approximately $2.4 million. The programme is currently being reviewed with the intention of developing a policy statement regarding the objectives of the programme, since the articulated objectives still emphasize that it is to be a community-based alternative sentence to incarceration.

In 1984/85, there were 63 CSO contracts responsible for a caseload of approximately 5,000 clients per month. The expenditure for 1984/85 was $2,357,00.47 as compared to 1983/84 in which $1,956,721 was spent.

The evaluation of the Rideau-Carleton Restitution Programme was an interesting one as it examined the area of restitution for incarcerated offenders both in terms of victim satisfaction and recidivism, which are neglected areas in restitution research. Recidivism in particular is considered an important indicator of effectiveness yet the impact of restitution programmes upon restitution is unclear.

The Rideau-Carleton Restitution Programme usually involved male incarcerates who were willing to pay restitution and who were eligible for placement in the CRC. A total of 244 offenders participated in the CRC programme between 1978/79. These offenders were then evaluated in terms of both in-programme recidivism and post-programme recidivism. Briefly, in-programme recidivism referred to whether or not the resident completed his sentence at the CRC without revocation of his temporary absence status. To measure post-programme recidivism, a one year follow-up was selected along with a two year follow-up for a smaller sub-sample. It was discovered that 45% of offenders with restitution requirements failed in their CRC placement as compared to 19% of residents without restitution requirements. This result is not surprising since it was discovered that individuals were not randomly assigned to each of the groups, and as a result, the restitution group was younger and was more involved in criminal activity indicating higher risk with

respect to recidivism. At one year, the reincarceration rate for both groups was about 41% compared to 61% at two years. Even though high risk offenders comprised the restitution group, this made no difference in the reincarceration rates for the one and two year time periods for each group.

In general, victim satisfaction was quite positive. Sixty-five percent of the restitution victims stated they were in favour of the programme while only three percent stated they were not in favour. The remaining victims, 32%, had mixed feelings about the programme. Interestingly, it was found that the amount of money lost by the victim and the amount repaid to the victim were related to the rating of the programme. That is, the more money lost, the lower the rating of the programme. Similarly, the more money repaid, especially full payment , the higher the rating of the programme. Overall, 43% of the victims received full payment while 31% received partial repayment.

It is difficult to reach any firm conclusions about the Rideau-Carleton Restitution Centre since the methodology of the study was less than favourable. Both the victim sample and the offender sample were not randomly placed into the experimental and control groups. But it does provide some insight into the utility of restitution in half-way houses. Even though the restitution group of offenders were higher risk, they still did not differ significantly from the lower risk control group. This suggests that perhaps a select group of high risk offenders may benefit from restitution more than 'traditional' property

offenders.

Evans (1985: 29) notes that currently, restitution programmes in Ontario are defined with victim/offender reconciliation programmes. There are nine programmes offered in-house through probation and eighteen out-of-house run by such agencies as the John Howard Society.

Victim/Offender Reconciliation Programme

VORP's have been established in Ontario for 11 years and are funded provincially. They included programmes for both adults and juveniles and deal with intervention procedures at the pre-sentence and post-plea stage. The programme is largely administered by private agencies on contract to the ministry, such as the John Howard Society or Community Justice Centres, although there are some in-house supervision programmes. One of the more well known community agency programmes is run by the Mennonite Central Committee, which administers the VORP in Kitchener. It is similar to the programme run in Winnipeg by the same agency and mediates a just restitution agreement between the parties, following the cases through to completion. The agreement is negotiated prior to sentence and becomes part of the probation order. The objectives are to effect a reconciliation and understanding between the victim and offender and to facilitate the reaching of a restitution agreement.

Problems which have been encountered with the operation of the programme, as stated in the overview are:

1. finding the victims - by the time the offender was recommended to the VORP, the victim was difficult to locate;
2. mediation should take place in a neutral territory; and
3. selection criteria - minimum risk clients owing less restitution may not be the best client for a VORP.

The evaluation noted the strengths to be that of sensitizing the offender as to the human consequences of his/her actions and providing an avenue for the victim to receive redress for the offence. The programme may also contribute to a greater understanding of the offender by the community. It was noted, however, that it could be a time-consuming process at times and that there is an under-utilization of VORP's by the courts. The cost of the programme is difficult to assess because the cost is built into total cost of multi-service contracts with agencies.

There was a request by programme developers and administrators in the field to measure the success of VORP's with regard to goals and to suggest improvements. The criteria examined were recidivism and management efficiency. The results were mixed, indicating that:

1. when mediation occurred less hostility resulted between the parties;
2. involvement with VORP did not discourage recidivism;
3. involvement did not increase the probability of repayment of restitution; and

4. involvement did not encourage better probation reporting habits.

Attendance Programmes

The only real alternatives identified by the Community Services Branch are the attendance programmes operating within Community Residential/Resource Centres. Community programmes such as restitution or community service orders are perceived as being "add ons" to the system, whereas community residential programmes allow offenders who would otherwise have been incarcerated to be in the community.

For the past 11 years persons on temporary absences could reside in community resource centres. These privately run centres provide a residential program (at a cost of $7.4 million for 1985/86) which should consist, where appropriate, of basic counselling and community referrals to assist in the re-integration process. It is felt that the assessment system may be too conservative, for the average stay is only five weeks with a very low recidivism rate. A principal criticism is the lack of overall programme evaluation; the programmes operating within the community resource centres may not be geared to the actual needs of the residents.

Attendance centre programmes which facilitate greater supervision for higher need or higher risk offenders are currently being considered in Ontario. This type of programme

seems to have support within the ministry.

There are a variety of community-based therapy programmes in the province designed for specific offenders. Many are operated from regional probation offices and others are contracted out, by the Ministry of Corrections, to various community agencies, hospitals or clinics. Such is the case for the alcohol and drug counselling programmes and shoplifting programmes intended to educate and inform.

The Driving While Impaired (DWI) programmes and the Impaired Driving Programmes (IDP) involve counselling and information to the offenders, often after the second offence; although some programmes refer offenders after the first offence. Programmes operate under various administrative auspices, some coordinated through regional probation offices, others under contract in community agencies, such as John Howard or the Human Relations Units of Regional Police forces (Waterloo). All attendance programmes in the province run as a condition of probation, or other court order, with varying degrees of acceptance from the courts.

Browning (1984: 69-76) records 15 programmes for men with violent behaviour. Funding varies to include joint community and provincial funding to total private funding, some operating on a fee-for-service basis. Intervention was at all stages in the process. Referrals to the progammes come from various sources - courts, police, and mental health counsellors-as well as

voluntary referrals. As noted earlier this is a new direction in alternative sentencing programmes and evaluations are at a premium. Results which come out of Browning's review and which refer to all provinces indicate an inadequate service delivery (geographic gaps) and no well designed evaluations of treatment effectiveness.

Temporary Absence Programme

The temporary absence programme has been operating at the provincial level since 1969. The objective of the programme is to permit inmates to reside within specific periods in the community for any humanitarian, educational, employment, medical or recreational purposes. Besides this rehabilitative aspect, temporary absences provide inmates with the opportunity for gradual reintegration into the community before they are released from custody.

Studies by Hug (1970), Crispino (1974) and Ardon (1980) indicate that the programme is quite successful and supported by the inmates. Crispino (1974) found that the money earned through employment temporary absences went to pay off debts, to support families and into inmate savings accounts. Ninety-two percent of those inmates on temporary absences, whom he interviewed, were still gainfully employed five and a half weeks after they were discharged. A seven and a half to eight and a half month follow-up revealed that no one from the sample was incarcerated

during their post-release and only one individual was fined for a drug offence.

The current success rate for temporary absence completion is 97.2%. It assists inmates in maintaining support in the community and allows the inmate to be financially independent. The inmate is able to pay restitution, taxes, and meet other financial obligations. A bi-product of this is the reduction in institutional tension. The benefits accrued must be tempered by the fact that some inmates may not abide by the temporary absence conditions or may commit another offence while in the community. One criticism of the programme, raised by some members of the public, is that inmates should not be allowed out of the institution while they are serving a sentence.

Intermittent Sentences

An evaluation of this sentencing option was performed by Crispino and Carey in 1978, in which they presented a number of problems associated with intermittent sentences.

1. The selection of offenders who received intermittent sentences was not adequate for one quarter (24.7%) who were neither employed nor attending school. This seems to be contrary to the original purpose of the sentence.
2. A large number of cases did not include probation orders or, if they did, did not have conditions attached.
3. Resources are expended processing the high number of

offenders who fail to appear at the correctional institution(s) as directed; thus being labelled unlawfully at large.

4. There are incidents of drugs or alcohol use prior to admission and a temptation for persons on intermittent sentences to bring contraband into the institution.
5. Adminstrative problems, in the form of overcrowding, an additional workload and the increase in staff, need to be considered.
6. There are few activities or programmes within the institution for those serving intermittent sentences.

The authors strongly recommended that inmates on intermittent sentences serve their sentence in community resource centres.

In the summer of 1978, a pay scheme went into effect which required persons serving intermittent sentences to pay $10/week to partially defray institutional costs (*The Globe and Mail*, Mar. 14, 1979: 5). If prisoners failed to pay this fee, they lost earned remission. The court ruled this coercive mechanism invalid and, as a result, intermittent sentence fees are no longer collected in Ontario (Dombek & Chitra, 1984: 57-58). The present status of the fee requirement is not known.

An alternative to the intermittent sentence, which partially ameliorates some of the difficulties discussed above is the Immediate temporary absence programme. Under this programme, the ministry agrees to "...expedite the processing of application for temporary absence on straight sentences of *90 days or less*

in cases where such sentences were accompanied by a judical recommendation for *immediate* release" (Dombek & Chitra, 1984: 59). This programme permits the prisoner the opportunity for continuity of employment or education during the day while being incarcerated in the evenings and on weekends. The passes are flexible to the prisoners' changing work schedules. Despite the problems encountered with intermittent sentences the authors conclude that "...it has proved to be a useful method of sentencing minor offenders" (1984: 63).

Prison Industries

In Ontario prisons have contracted out to private-sector businesses for 11 years. This provides inmates with some 'real life' work experiences as well as financially assisting them and/or their families. The programme is limited to those inmates who qualify for the temporary absence programme and are sentenced to over 90 days. Inmates develop basic work habits and gain from the knowledge and expertise of the private sector. This programme requires little or no government funding; the participating business funds, supplies or pays for the use of the necessary plant, production equipment and tooling. It can, though, create some additional security problems at the institution(s).

One criticism is that non-participating competitors may perceive participating industrial firms as receiving some

special privileges through this arrangement. It is suggested that the use of these types of operations increase for it is viewed as an excellent alternative to the traditional in-house government-operated prison industry. A proper mix of both types appears to be a good approach.

The most well-known programme is the Guelph Abattoir Programme situated at Guelph Correctional Centre in Ontario. This meat packing project began operation in June 1975 and is viewed overall as a success (Irvine, 1978). The goals are articulated as follows:

> - to provide a real work environment to an optimum number of inmates
> - to develop good work habits and improved skills in obtaining and maintaining employment
> - to provide savings to ease community re-entry, help support families and defray institutional expenses (Irvine, 1977: 3).

According to Irvine, these goals are vague and are not met by the present procedures.

The facility employs 40-50 inmates at peak periods with a starting wage of $3.15/hour and a requirement that the prisoner pay $5/day for room and board. The abattoir is leased by the ministry to the company providing, at cost, the required servicing and security for prisoners. Business management, though, is left in the hands of the company.

An evaluation of the programme indicates that there are few disruptions to the institution as a result of the operation and improved inmate behaviour is demonstrated as well. The prisoners

have a better attitude toward work and toward their chances of post-release employment. In addition, the 'impact of incarceration' has decreased. There is some indication of better employment success, and a definite improvement in family and financial stability. Some drawbacks of the programme are the rigid selection procedures and the limited trade training acquired by the inmates. Finally, there is limited demand in the community for this type of employment.

At Maplehurst Institution in Milton, Schultz Manufacturing employs 30-35 inmates at minimum wage in muffler clamp production (*The Toronto Star*, October 27, 1985: A18).[1]

Other Alternatives

Electronic monitoring devices are currently being considered to allow higher need or risk offenders to return to their homes. There is an indication that this alternative is viewed favourably by the ministry. Furthermore, it was stated that some consideration to pre-sentence or pre-trial programmes might reduce the number of offenders entering the system. (For example, a programme facilitating pre-trial diversion for alcohol related offences).

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[1] Another programme which may be covered by our definition and is cursorily discussed by Ekstedt, Macdonald & Plecas (1982) is the employment of inmates at Ontario's MIMCO mattress factory. This private company pays inmates minimum wages and has earned a profit every year since it began operation in 1977 (1982: 28, 30). The daily management is contracted out to a private company but the products are sold by the ministry.

Summary

The Province of Ontario has a number of well established alternatives to incarceration, and appears to have well developed community support networks to sustain them. The Deputy Minister recently indicated that Ontario continues to expand such programmes and examine new community-based programmes of a "social/correctional nature" in an effort to provide balanced correctional service delivery. With regard to both the fine option programme and the community service programme, it was noted in the overview that neither had achieved their objective of reducing the prison population.

Fine Option

The programme began in January 1983 and a feasibility study is presently being conducted. The fine option network is set up in four regions of Manitoba with 116 resource centres, 45 of them being on native Indian reserves. These CRC's are responsible for registering offenders in the programme, providing them with appropriate work opportunities and monitoring their progress. Statistics for 1984 record 4652 people registered with an 82% success rate. The process includes institutional fine option in which the inmates are released on a temporary absence from the institution to do community service for local non-profit organizations. It was felt by the institutional staff, however, that this form of programme should remain in the community. The majority of the offenders which enter the programme at this stage are those who have fallen through the cracks in the system and were previously unaware of the fine option programme. The administrative workload which accompanies the release of the individual on an institutional fine option was not seen as being worth the effort.

Community Service Order

In a report dated June 1981, to the John Howard and Elizabeth Fry Society, Alvin Esau of the University of Manitoba stated that the CSO programme had been administered since May 1980 by probation services. The 'proper' role of private agencies as a job placement service for the CSO appears to be unclear. The probation service sometimes uses the volunteer centre and pays them a certain rate for its services. However, programme administration and direction is still basically set and run by probation itself, unlike other provinces where the John Howard Society may have its own programme. One of the problems indicated in the report again seems to be the disagreement or confusion over whether the CSO is a true alternative, simply another sentencing option, or merely a better way to do probation.

In February 1981, Lee Glassco presented an evaluation of the first ten months' operation of the CSO programme. It appeared that the probation services' guidelines of minimum and maximum hours were too inflexible. Many of the cases involved would not have led to incarceration. Finally, this apparent failure of the CSO to be utilized fully was suggested to be the result of conservative judicial attitudes as well as at least a matter of undeveloped resources, partly a matter of 'punitive' public attitudes and largely a matter of the lack of a strong advocacy for education by the bench, bar and public around the value of

sentencing options (p.30).

Restitution Programme

Similar to a few other provinces, the restitution programme for adult offenders is operating under the auspices of the Victim/Offender Reconciliation Programme. This programme is funded by the Mennonite Central Committee and has been operating for six years.

Victim/Offender Reconciliation Programmes

VORP's have operated in Manitoba for six years, operating under the supervision and funding of the Mennonite Central Committee. As noted earlier the stage of intervention is both pre-trial and pre-sentence. The programme allows the victim and accused to interact and deal with their concerns much more than they would given traditional avenues in the system. The programme is, nonetheless, limited by decisions of the police and Crown attorneys and the victim often sees the programme as 'easy' on the accused. The cost of the programme is $74,000 per year.

Some problems identified indicate a reluctance on the part of some victims to participate and police and Crown attorneys are often reluctant to approve cases for mediation. Approximately 420 adults were admitted to programmes in 1985.

The programme has not been formally evaluated.

There is little in the way of alternative sentencing programmes for adults in Manitoba compared to similar resources for juveniles. The alternative sentence planning sponsored by Children's Home of Winnipeg and Mennonite Central Committee and run by John Howard Society of Manitoba is an initiative to deal with this void. It provides proposals for offenders, who without the service, would likely be sentenced to a prison term. The programme has been in existence since October 1983. To date of the 74 proposals that have been presented in court 61% have been accepted.

The goals of the programme are to demonstrate that a variety of offenders who are normally sent to prison, can be held accountable through community based dispositions. Forty-seven adults were admitted to the programme in 1985 but an evaluation of the programme has yet to be conducted.

Attendance Programmes

Browning (1984: 68-69) outlines three Manitoba programmes for assaultive males whose goals are to end the violence by providing alternative methods of expression (social learning approach). Clients are referred by other social agencies or are voluntary, but are seldom referred by the courts. Again, an under-utilization of the programme by the court system was noted.

The self-help group for adult shoplifters has been in operation for two years and is operated by one probation officer. Support for the group is little more than verbal and is fueled by the energy of one officer who would like to see this type of programme operating by itself in the community. Philosophically, that is where it is felt to belong. As many of the clients are female it was hoped that the Elizabeth Fry Society of Manitoba would accept the offer to administer the programme. However, the society declined this responsibility. Response from the court has been mixed; sometimes attendance is a condition of the probation order and other times it is voluntary attendance with no conditions attached to release. The courts do use the programme, however, it is considered to be almost a 'hit and miss' scenario as is the case for many of the attendance programmes. The major problem appears to be community and court exposure.

An impaired driver programme in Manitoba is operated by the Alcoholism Foundation of Manitoba who deal with second-time impaired drivers, 90% of whom are referred by probation services. There is also a residential chemical abuse treatment and counselling programme for adults on probation or bail whose clients are referred by the courts and by probation services.

Temporary Absence Programme

The temporary absence programme in Manitoba follows administrative procedures that are similar to that of other provinces. Temporary releases are permitted for medical, humanitarian and rehabilitative reasons. Offenders are released to community correctional centres or to community residential centres.

Intermittent Sentences

Intermittent sentences are dispositions used by the courts of Manitoba in a manner similar to other provinces. The offenders are to report directly to the correctional centre and not to the police lock-up as was the case previously. Earlier problems with the reporting procedures involving more than one institution, were cleared up to some degree. Problems still arise when offenders report to the institution and are released on temporary absence as a result of the prison population.

Summary

Trends developing in Manitoba seem to be directed at community-based alternatives such as the stronger development of the fine option programme, client specific planning and the development of attendance programmes. It is unclear, however, how effectively that commitment is being translated into

programme development. Financial and verbal support for these programmes appears inconsistent.

Fine Option

This appears to be the focus of alternative sentencing programmes in the province. The programme began in 1975 and is the most established one in Canada. It is seen as a short term response to the problem of non-payment. The alternative offered is the opportunity to work off the fine by performing volunteer work to benefit the community. An evaluation was conducted in 1976 at which time it was stated that the fine option appeared to be reaching those for whom it was intended. At the time the evaluators were unable to assess the impact of the programme on the other parts of the system (enforcement). The referral system was also seen as being cumbersome and inefficient because the process was not activated until the individual defaulted. This was originally seen as a necessary programme because 50% of the males incarcerated in the province at the time were for fine default.

The programme enters into contracts with various community-based organizations, such as the John Howard Society or the Indian and Metis Friendship Centres, to act as fine option agencies that provide services of the programme locally. The coordinators then work with the agencies to develop meaningful work placements for participants.

The fine option programme is available to any adult assessed a fine by a court in Saskatchewan, where the time to pay is allowed and the penalty for non-payment is incarceration. In October 1983 the government developed an institutional fine option in response to cost cutting demands. This served to provide an opportunity for those who had defaulted on fines either because they were unwilling or unable to enter the programme earlier to work off the fine. For example, this would assist those who had not been given the time to pay and were subsequently incarcerated for defaulting.

It was felt inappropriate to utilize secure correctional facility spaces for this group if other alternatives were available; and was considered more beneficial for both the offender and the community for these offenders to be released on a temporary absence and assigned to do community service (Guenther, 1985).

The institutional programme is restricted to those offenders incarcerated solely for fine default and when the amount of the fine does not exceed $1000. Criteria for the programme are:

1. There are to be no outstanding charges respecting indictable offences;
2. The offender does not present a known or undue threat to the community;
3. the offender must be physically and mentally able to do community work; and
4. he/she must not have previously failed under the

institutional fine option programme.

The community work performed to pay off the fine is credited at the rate of $4.50/hr., Saskatchewan's minimum wage, and may ultimately be settled through a combination of work and cash. The fine option agency, such as John Howard, in contract with Saskatchewan Justice, is obligated to provide for the administration and smooth operation of the programme at the community level. They are responsible for the registering of the offender, selection of suitable work placements, and the completion of all documentation to ensure successful completion of the programme for the individual.

The John Howard Society of Saskatchewan has been working with the fine option programme since its inception and are a significant force in the operation of fine options in Saskatchewan. The John Howard offices in Saskatoon and Regina are handling, on an average, 188 and 160 placements per month, respectively; rates which have increased steadily over the years. Given the increasing demand on services there are questions as to whether the payment structure to the fine option agencies of $15 per placement, is sufficient to continue adequate service. Those at John Howard Society indicate that it is not and also seriously question their ability to continue operating the programme and absorbing costs as it is presently administered.

The report by the Solicitor General (1979) noted the differences between the fine option programmes in Saskatchewan, Alberta and British Columbia. The initial problems of referral of defaulters in Saskatchewan were revised early and individuals referred to the programme would contact the assigning agency, such as the John Howard Society, immediately with a Notice of Fine from the court.

The Saskatchewan government feels the fine option programme has reduced demands on its correctional facilities and involved the community in criminal justice matters. There is an inter-provincial agreement with Alberta and Manitoba if the individual is considered eligible for acceptance.

Community Service Orders

A corrections proposal for a Saskatchewan CSO programme was prepared by the Department of Social Services in 1975 and this proposal stated:

> Corrections programmes should place responsibility on the offender in accord with his capabilities and exercise control only to the extent which is clearly necessary for the protection of society, including the offender, or to achieve the objectiveness of his sentence.

In Saskatchewan, the emphasis for considering the idea of community service programmes as a formal one came later than in British Columbia who initiated the movement. It was not until April 1980 that a task force committee was formed to make recommendations about what kind of programme, if any, should be

developed in the community service area. It was indicated that the programme delivery should be based on a combined probation services fine option programme model. The programme was not implemented province-wide until December 1, 1983.[1]

Saskatchewan has clearly stated that community service orders are to provide a highly visible alternative to incarceration, which enables offenders to work for the community rather than being imprisoned. This differs from the stated objectives of a number of other provinces in this regard. In fact, they have explicitly stated goals for reduction of jail intake to result from the orders. The target of the programme is to reduce the percentage of correctional centre admissions for non-violent property offenders serving terms of four months or less from 31% of total sentence admissions to 23% of total sentence admissions by 1987. This translates into an annual saving of 16 jail beds in 1984/85, 40 jail beds in 1985/86, and 64 jail beds in 1986/87. [2]

Eligibility in the Saskatchewan community service order programme is determined by the presiding judge with the assistance of a community service pre-sentence report. The number of hours recommended are in the range established in other provinces; that being a minimum of 40 hours and a maximum of 240 hours. It was proposed that 60 hours of community service

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[1]Personal correspondence with the Policy and Planning Department, Saskatchewan Justice, February 1986.

[2]Ibid.

work would be equivalent to one month of incarceration. In the combined probation services/fine option model, the fine option field staff were renamed community corrections workers. They carried on the regular functions of administering the fine option programme as well as assisting probation staff in locating and coordinating offender involvement in relevant community service activities. As of October 1983, there were six programme staff in addition to the two existing fine option field officers, who began their new duties in the community service programme, compared with approximately 200 individuals or group CSO/fine option agents now in 1986.

Restitution Programme

The Saskatchewan Restitution Programme began in April 1983 and was implemented in conjunction with the sentence of probation. The target population consisted of offenders who would otherwise serve a short term of imprisonment of four months or less for a property offence. The primary goal of the Saskatchewan restitution programme was to develop a productive and publicly acceptable alternative to incarceration. To this end, it was hoped that such a programme would decrease the use of incarceration, increase the use of restitution, increase the collection rate and increase victim satisfaction.

The results demonstrated that the programme was largely successful in achieving its objectives. It was found that 570

more persons would have been admitted to correctional centers had the programme not existed. This analysis showed that 39 inmate years of incarceration were avoided. The programme also succeeded in increasing the number of restitution orders issued by 27% in the first 12 months of operation of the programme. The provincial restitution collection rate also increased by more than 30% to 90% of all orders and the dollar value increased by over 38%. The gross benefit of the programme was $939,510 and when subtracted from the cost of programme benefits ($273,806), the net benefits of the program were $665,604. The last goal that was successfully met by the programme was an increase in victim satisfaction. About 97% of the victims felt the programme was a good idea and 75% reported overall satisfaction with it. Most of the victims (84%) were also satisfied with the amount of input they had in the court's decision to order restitution but only 60% were satisfied with the time period in which restitution funds were reimbursed. Criminal justice officals also indicated that they overwhelmingly (85%) considered the restitution model as either effective or very effective. The remaining 15% said the delivery was partially limited. Nevertheless it does appear that the delivery system has been effective.

With regard to programme administration, restitution was paid to and disbursed by the courts. This is a very effective and efficient delivery operation because court services possess extensive experience in record-keeping and the handling of

funds. Probation services are responsible for offender follow-up and enforcement of orders. Again, this is perceived as being a good system because probation services are familiar with supervising offenders to ensure orders are complied with as well as writing up assessment reports.

In addition, the correction division hired six programme co-ordinators to lighten the work load and be responsible for restitution assessment reports, monitoring offenders, enforcing orders, programme information and victim services. These co-ordinators were also responsible for maintaining close contact with other members of the criminal justice system to ensure their co-operation so that enforcement could be carried out more effectively.

The principle criticism that was made concerning the operation of the programme came from the victims. As indicated, only 60% of victims were satisfied with the time period restitution was dispersed. A better follow-up of the offenders regarding collection is needed. There is also a need to better inform the public about the restitution programme. Only 27% of victims were informed of the restitution programme by sources other than the police and courts. But, generally speaking the evaluation showed that the programme was successful in achieving its objectives.

Victim/Offender Reconciliation Programme

The only adult mediation programme operating in Saskatchewan is in Saskatoon. There were initially three mediation programmes in the province, those being in Saskatoon, Regina and Moosejaw. The latter two were discontinued in the first wave of restraint measures in 1983. The current programme in Saskatoon began as a joint project in 1984 between the Mennonite Central Committee and the John Howard Society of Saskatchewan. The federal Solicitor General subsequently supplied funding on a three year agreement. They have one year left on that agreement, not to be renewed, and are hoping to compensate with renewed funding from the provincial Attorney General and the community-at-large. There is currently funding for approximately one and one-half positions.

The programme deals with first offenders on a single charge only, at the post-charge/pre-plea stage and, it appears, is well supported by Crown prosecutors and judges. They deal essentially with minor offences such as theft under $200 (often shoplifting) and common assault.

Attendance Programmes

The Saskatchewan Alcoholism Commission conducted an evaluation of the Saskatchewan IDP programme in 1984 covering the time it was established in January 1980 to March 1984. Its

attendance is considered a condition of probation and is set up to deal with underlying alcohol abuse problems that can result in impaired driving or other offences. It is intended to a viable sentencing option and client referral process as well as provide an appropriate follow-up or aftercare.

There is an on-going review process and the programme appears to be meeting its objective as a sentencing option. It is located in St. Louis, 30 kilometers south of Prince George, consequently, it may be unduly dependent on geographic proximity according to the 1984 evaluation. The Director of Community Operations did not feel this was the case. He indicated that the programme is not a direct sentence programme; the offenders are sentenced to a correctional centre, then transported to and from St. Louis. The relationship with the court is very positive and reaction to the programme is favourable. The person is sentenced long enough in jail to complete the 14 day programme (e.g., 21 days plus six months probation). The evaluation noted that the follow-up was more likely for offenders with probation orders (81%) than those without (38%), although many clients changed regions which made contact responsibility confusing and difficult. Costs of administering the programme is $53/diem compared to $70/diem in the institution.

Wormith and Borzecki (1985) identify two sex offender programmes in the province, both government operated. The Regional Psychiatric Centre, in Saskatoon, operated by provincial health and federal corrections, deal with all sex

offenders conducting a variety of treatments from arousal conditioning to group and individual psychotherapy. The second programme, operated by federal corrections, is located at the Saskatchewan Penitentiary in Prince Albert. It also deals with all sex offenders but, in a therapy programme geared at stress management, assertiveness training, sex education and insight-oriented group therapy, more than behavioural treatments.

Temporary Absence Programme

Two types of programmes utilizing temporary absence measures in Saskatchewan are the conditional release programme and the Work Incentive Programme (WIP).

Offenders who qualify for the conditional release programme are released on a rehabilitative temporary absence (Guenther, 1985). The objectives of the programme are as follows:

1. to decrease the time spent incarcerated for certain minimum security inmates; and
2. to assist in the successful integration of offenders.

Correctional facilities are allowed to grant a 22-day early release to select inmates deemed to be non-dangerous. Supervision within the community is usually carried out by probation officers, community training officers or local police. Standard conditions for a conditional release are to report as directed, keep the peace and be law-abiding. Other more specific

conditions may be attached to suit the individual case.

In Saskatchewan, inmates in correctional camps and community correctional centres may also be released on a temporary absence for the Work Incentive Programme (Guenther, 1985). This programme's objectives are to provide an incentive for inmates to do community service work and to contribute to a 95% occupancy rate at the facilities. The incentive for inmates is a one-day early release for each week that an offender performs community service work. Offenders may thereby reduce their normal stay by one-seventh to a maximum of 15 days. Unless a community investigation shows that the release of an offender is likely to pose a threat to the community, all inmates will receive their earned, unsupervised early release.

All inmates performing community service work from community correctional centres or community camps and those offenders providing support services (e.g., cooks) for these facilities are eligible for the WIP. Inmates who are ill or not working for any other reason, are on salary or contract with an employer or are in a treatment, education or training programme may not apply for the the WIP. Prior to an inmate's release under this programme, a community investigation must be carried out to ensure that the release "...would not likely endanger the safety and security of the community" (Guenther, 1985: 4).

Prison Industries

Although the programmes in the correctional facilities for this province were not initially intended to generate revenue, they have been making a profit. The industries which include products such as furniture and various crafts are sold to government agencies as well as directly to the community.

Other Alternatives

Electronic monitoring of offenders was considered by Saskatchewan Justice last year and was temporarily rejected. The director of Community Operations had been in contact with Pauline Hackett who is operating a very extensive pilot project on electronic monitoring in Michigan. It was felt that Saskatchewan would want to examine the results of the study as well as the proposed project in Alberta. Their hesitation to become involved focussed on the quality of the present technology and the quoted costs of the programme. It appeared as though the government would receive half the service for twice the cost. The possibility of obtaining convictions based on the present technology only raised a great deal of speculation.

Summary

Possibly the most established province in the area of alternative sentencing, Saskatchewan, is developing a number of alternatives to incarceration. The Community Service Order programme received almost indifferent support of judges as noted from the acheivement of only 36% of its first year's projected goals of court referral and diversion. Despite this, the government appears confident in its future development. The fine option programme is by far the emphasis of the province in the area of alternatives to incarceration. It may be, at a later date that they will reexamine their position on electronic surveillance. Many of the alternatives in Saskatchewan arose from government objectives to reduce costs in corrections, as was the case of other provinces.

Fine Option

A pilot project was implemented in the judicial district of Calgary from December 1976 to June 1977 and included only those individuals with "no funds or marginal income". Its purposes were to avoid incarceration of young first offenders and reduce the prison population. Results indicated success referring to work done and money saved through TA programming. Although the programme may have reduced fine defaulters incarcerated, the incarcerated population did not change appreciably.

The programme continued and most recent statistics reveal over 1300 fine option cases handled in the 1983/84 fiscal year (*Annual Report*, 1983/84). The objectives are: to provide offenders with the opportunity to work to satisfy a fine in lieu of payment in cash; to reduce the number of offenders incarcerated for non-payment of fines; and to reduce time in custody for non-payment of fines.

There is both a pre-institutional phase of fine option as well as an institutional phase, similar to that of Saskatchewan. Clients of the latter phase may be granted a temporary absence to work off assigned community hours or they may remain in the institution to satisfy the fine. In the community they are supervised by placement agencies such as the Red Cross, local hospitals, Salvation Army or any charitable non-profit

organization previously assigned by Correctional Services. The fines are worked off at $5/hr. and placement is a function of the district probation offices.

The operation of the programme is similar to that of its model in Saskatchewan. However, placement caseloads are the responsibility of probation officers, a system some feel is more costly that the system of voluntary supervision by the employing agency (*Sentencing Alternatives: an Overview*, 1979). Possibly in an effort to compensate for this, Correctional Services have recently been in negotiations with community agencies such as the John Howard Society, to privatize much of their alternative sentencing programmes like fine option, community service orders, and restitution.

Community Service Orders

This province originally envisioned community service programmes as an alternative to a period of incarceration, but through usage it has also developed the programme as an alternative to traditional methods of sentencing. In this way, it is used as a condition of probation. It is coordinated by the local community corrections office.

In the overview provided it was indicated that the CSO programme has been established for five years, with approximately 80-90 individuals each month being processed through the programme. This is done through provincial funding

out of the community corrections budget. There is no restriction by previous criminal record for clients considered for the programme. Some of the weaknesses indicated from the survey suggest that it does not provide or promote victim/offender reconciliation, because victims generally are omitted in the process. As well it is sometimes difficult to tie the work assignment to the offence. The cause and effect are not always obvious as the offence may occur many months before the actual placement. In the *Annual Report, 1983/84*, put out for the Solicitor General by Dr. Ian Reed, it was indicated that there was a 17% increase of referrals from 1,948 during 1982/83 to 2,275 during 1983/84.

Restitution Programmes

The Pilot Alberta Restitution Centre, PARC, was in operation from September 1, 1975 to October 3, 1977. Funding was provided by both the federal and provincial governments within this two year period. In the view of the provincial government, the programme was to be a diversion project focussed on the diversion of selected offenders from imprisonment. However, a second model was also put into place consistent with the federal government's working definition of diversion which was based on a post-charge, pre-trial model. The final model that was also adopted during the early stages of the project was a pre-charge version in which offenders, without having been formally charged, were diverted. The result was a confusion as to the

exact definition of diversion within the programme. Thus the payment of restitution was established throughout all phases of the criminal justice process, from pre-charge through to post-release from incarceration.

Along with this lack of a target population, there was also a lack of systematic referrals. A large percentage (48%), came from the probation division, while 13% came from defence counsel in the hope that payment or promise to pay would mitigate the sentence. Other referrals came from the offender at the post-sentence incarceration stage with the hope that payment or promise to pay would obtain early release. Victim referrals accounted for three percent of referrals while the police accounted for every three out of six referrals. Because of the inability to operationalize the definition of the target population or source of referrals, the study that was undertaken to evaluate the programme was exploratory rather than experimental.

The majority of referrals to the project involved situations where a business was the victim and charges related to offences of break and enter, theft over $200 and fraud. The criteria for selection of cases suggest that the offender must be an adult convicted of a non-violent offence where the offender has the ability to pay back the victim within about a 6 to 24 month time period. There were 286 offenders referred to PARC, comprising 246 cases. Of these, 24% signed a restitution contract to promise to pay back the money. In almost all cases, restitution

was made in the form of a payment into the project's trust account and then paid to the victim.

By the time PARC terminated its operation on July 3, 1977, at the time the Community Services Branch of the Alberta Solicitor General Department assumed responsibility for all active contracts and cases, 40% of the contracts had been paid in full and 15% were being maintained. For 11% of the contracts, 11% were in arrears and 33% were in default.

While only 38% of the offenders were in arrears or default of their obligation, the respective figure for contracts was 44%. The data indicated that the offenders who tended not to honour the terms of their contract were those over the age of 26 who had previous convictions, those for whom the offence was fraud, false pretenses over $200, or for whom the amount exceeded $300, and cases where the contract extended over a long period of time. Thus, it is the minor offender who is more likely to fulfill the terms of a restitution agreement. Contrary to popular belief, large businesses, banks and insurance companies did better in receiving their restutition payment than did small business and private citizens.

The fact that more 'sophisticated' criminals were allowed into the programme may have skewed the results. These criminals often took their chances and did not pay, which is not too surprising, since the project was unable to enforce the agreements. The only course of action against default was for

the victim to take the offender who entered a contract to civil court. But rather than simply limiting restitution to minor criminals, more attention needs to be focussed toward properly enforcing restitution orders.

Attendance Programmes

Most programmes run within privately managed community residential centres are "...designed to treat alcoholism and drug addiction, or to provide general guidance in developing living-skills and seeking employment" (*Alberta Adult Community Corrections Programs* - pamphlet). These programme oriented facilities house individuals on probation or on temporary absence from provincial correctional centres. Close supervision is maintained by the centres' staff in conjunction with probation officers.

Browning (1984: 66-67) recorded four programmes for assaultive males in Alberta and again funding is split regarding private and government funds. Referrals are both voluntary and court mandated, however, two of the programmes run by Forenic Services, (Calgary General Hospital and Violence Clinic, Edmonton) appear to have a much higher rate of court mandated clients than most other programmes. Given the range of community-based organizations with the potential to establish therapy programmes for specific offenders it is difficult to include an exhaustive list. These programmes for assaultive

males have increased with one being established as recently as February 1986, in Grand Prairie.

The Forensic Assessment and Community Services (FACS) programme in Edmonton is likely the most comprehensive of these. FACS provides a consultative and theraputic resource to the criminal justice system and the community in their delivery of a wide range of mental health services. The majority of the referrals are from the Edmonton area and they number approximately 1,000 annually. Group therapy is used extensively in order to utilize peer interaction dynamics. Treatment may include individual psychotherapy, behaviour therapy, and educational and support programmes in conjunction with medication as required.

The variety of programmes offered, of interest to this study, include:

1. A treatment programme for domestic violence directed toward the family in addition to the offender;
2. Treatment for individuals suffering from a variety of sexual deviations including pedophiles, minor sexual assaults, rapists, and non-aggressive sex offenders involved in voyeurism, exhibitionism, etc.;
3. A treatment programme dealing with sexual assault in the family. Treatment is provided for the offender and the family members in a three stage programme including therapy for the offender, dyadic counselling and family therapy; and
4. Female offenders with special treatment needs e.g., offences

such as shoplifting and forgery which may indicate social and psychological problems that may be addressed in a treatment setting.

The Elizabeth Fry Society of Calgary operate a Shoplifting Intervention Programme which offers a ten week counselling session for those motivated to quit shoplifting. The majority of the clients are women and are referred by various groups in the criminal justice system and the social services network in Calgary, such as, social workers, probation officers, psychiatrists and psychologists. The programme is funded federally by the Solicitor General.

Temporary Absence Programme

For approximately ten years the temporary absence programme has been used to motivate inmates toward rehabilitation. In Alberta, minimum security inmates are eligible for early release after serving one-sixth of their sentence. After careful screening and an investigation by probation officers of the inmate's release plans, the prisoner may be permitted to enter the community for medical or treatment purposes, to maintain employment and for educational and community programmes. Offenders are supervised by probation officers until their sentence is completed. A type of cascading process may be employed whereby the inmate is first granted a day-release from a correctional facility, then moved to a community residential

centre, and finally allowed to reside in his/her home within the community. Temporary absences may be given to offenders at any point in this process (*Alberta Adult Community Corrections Programs* - pamphlet). Not only does the programme involve the community in correctional programmes, but it is viewed as a cost-effective use of manpower. Occasionally, incorrect assessments are made and poor planning sometimes results in insufficient controls on some inmates. However, less than one percent of the offender population re-offend while on the programme. Discrimination against natives who have fewer favourable family factors and fewer job opportunities may occur.

The programme is strongly supported by staff and the public and provides a motivating force for inmates to obtain passes for weekends and on-going educational or employment activities. Approximately 28% of the inmate population are on temporary absences daily.

Intermittent Sentences

Intermittent sentences have been used for five to six years in conjunction with a sentence of probation. The courts utilize this type of sentence in rural areas, where inmates may be bussed to the Centre or held in police lock-ups. Offenders serving their sentence intermittently are still able to maintain family relationships as well as their employment. It is felt that there are a number of problems created by this sentencing

option: the additional administrative requirements place a strain on the facilities and manpower; the security requirements are unique; and the programmes available on weekends are limited.

Other Alternatives

A project for the electronic monitoring of adult offenders had been proposed and ready for launch last year, however, a change in priority delayed it at least until the fall of 1986.[1] The primary intent of the programme was that it be part of the disposition in court and that the judiciary would agree to the eligibility of the offender for the programme. In this way, those gaining access to the programme would be those individuals who would have been incarcerated had there been no programme. The programme was also to be considered for those individual eligible for a temporary absence pass and for those who were close to the criteria for the pass, but the corrections personnel had reservations about releasing the person. Those on a temporary absence would then be eligible to release to a home environment at an earlier stage in the process. The cost of the programme is certainly prohibitive and thus, a concern for those provinces wishing to move in this direction. The three month pilot project would cost approximately $800,000.

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[1]Information gather in personal correspondence with the Director of Planning Operations, Correctional Services of Alberta.

Summary

The trend in Alberta with regard to alternatives to incarceration is the privatization of services, and the desire to keep the offender in the community. The latter is emphasized in the development of electronic monitoring of offenders which has been delayed but is intended to be operational shortly. It is felt that in many cases the offender should remain in the community, if at all possible.

Fine Option

A pilot project was instituted in the Vancouver Island region using elements of both the Alberta and Saskatchewan programmes, for nine months from January 1 to September 30, 1979. The objectives were to reduce the number of admissions to Vancouver Island Regional Correctional Centre (VIRCC); reduce the economic disparity (ability to pay); and to determine the feasibility of expanding the programme to the rest of the province.

The judiciary was reluctant to support the programme. It was felt that it interferred with the sentence of the court and had no basis in legislation. It was considered unsuccessful at reducing incarceration of the targetted population due to non-compliance of judiciary. The project was implemented in two court locations:

1. Nanaimo, Ladysmith, Parksville areas; and the
2. Victoria area.

The Nanaimo area used the Alberta model of community service officers as assigning agents and the Victoria area employed the Saskatchewan model using the John Howard Society.

There is presently no fine option programme operating in British Columbia although field staff in some jurisdictions

expressed a desire to see the programme incorporated. The Corrections Branch is undertaking a policy initiative in this area to determine if such a programme would be feasible in the province. Currently, persons cannot be jailed for defaulting on fines related to provincial statute violations.

During the fiscal year 1984/85 there were a total of 12,111 sentenced admissions in British Columbia of which 1986 were admitted for non-payment of fines only.

Community Service Orders

In British Columbia, the Corrections Association Biannual Institute, as a result of a meeting in June, 1970, became responsible for the development of community service as a sentencing alternative. Subsequently, the Department of the Attorney General requested a feasibility study and the recommendation which followed was that community service be developed on a pilot basis for both juveniles and adults. Staff were hired to manage these pilot projects in 1974/75 and later in 1975 the decision was made to expand the program to all parts of the Province.

A March 1982 publication of the Ministry of the Attorney General in British Columbia (S.D. Sandulak) indicates that the community service programme has two objectives. One being to provide the courts with additional sentencing options to those which are historically available. The second objective is to

provide a direct tangible means for people to make amends to the community for violating its laws (p. xxv). This document attempts to define the community service order and does so in the following statement:

> Community service is defined as unpaid work directed toward the community as a whole or toward specific groups in the community who are in need of extra services. The work assists, benefits, improves or enhances the quality of life of community members (p. xxv).

In its recommendation for improvement in policy and procedures, that same monograph indicates that community service should establish a philosophical statement enabling the order to be both reparative and punitive. As well, it suggests that alternative objectives be specified as to the nature and justification of the programme. For example, in addition to the idea of service to the community, it was recommended that some alternatives should also be articulated for providing skill development and job training; development of feelings of self-worth; teaching life-skills and socialization; and exposing offenders to positive role models by contact with non-offender volunteers in placement personnel.

The one programme evaluation highlighted in the report, performed in Terrace, B.C., was completed in February 1980 by Robert Watts. Here the evaluation findings indicated that the programme had developed great credibility, and that judges used the program extensively. It had developed a well-known reputation especially amongst the community's younger members. The *per diem* costs using intake hours, was $1.58 per hour; using

completed hours, the rate was $4.82 per hour. Some of the other statistics indicated an average of 7.5 persons on intake per month with an average of 951 hours intake per month. Using completed hours as a costing measure leaves, of course, many hours not considered as the orders are still in progress (p.185). The method used to evaluate the programme over a seven month period was an examination of 53 orders, representing 6,660 hours ordered.

Community service orders form part of probation orders whether or not the probationer is required to report to a probation officer for the purpose of supervision. The caseload data or community service orders available from the automated provincial case file and manual systems are not at this time accurate enough to be relied upon. According to a special survey carried out in November 1984, about 15% of the average number of persons on probation were also completing community service orders; 1,386 people out of 9,450 on probation.

Nearly all community service order programmes are operated and supervised by private agencies working under contract to the Corrections Branch. Some costs are incurred by the probation services inasmuch that probation officers do supervise the community service orders in small locations where there are no contracted services. In addition, probation officers are responsible for the intake procedures, for referrals to the contracted services and for contract administration. On occasion, probation officers will provide the private agencies

with assistance in supervising the completion of community service orders. The cost of contracted services to supervise community service orders in British Columbia was $1,264,738.

Restitution Programme

Restitution/compensation forms part of two correctional programmes in British Columbia; diversion or alternative measures and probation orders. The court may make a restitution/compensation order as part of a probation order whether or not the probationer is required to report to a probation officer. If the probationer need not report to a probation officer, the amount of restitution/compensation is paid into court and is passed on to the recipient.

There is little organized caseload and staff time data available from the Corrections Branch automated or manual information systems. The amount of time spent by probation officers supervising restitution/compensation orders could only be determined by undertaking a special study or by implementing an information system which would capture the required data. Likewise, the cost to the court registries would have to be determined through a special survey.

Victim/Offender Reconciliation Programme

The Corrections Branch has a policy which requires probation officers to interview victims in the course of preparing pre-sentence reports. There are no information systems in place which would allow an assessment to be made as to whether or not this policy is uniformly adhered to throughout the province.

At present, there is a special programme which is operated by the Victoria police. The police, through interviews with victims, complete Victim Impact Statements which briefly describe material loss and/or damage, personal injuries and 'pain and suffering' incurred. These reports are submitted to Crown counsel.

Elsewhere in the province, Crown counsel are completing these forms for their own use, although it is unknown whether or not such reports are completed for all criminal cases for which they would be applicable.

It is estimated that it takes two hours to interview a witness and another hour to prepare the Victim Impact Statement.

There are three Victim/Offender Reconcilation programmes currently operating in British Columbia. They are considered to be alternatives to court proceedings, generally in property offences or summary conviction offences although some serious offences, such as assault causing bodily harm, or assault with a deadly weapon, are dealt with occasionally. Their activities

include reconciliation, restitution and counselling to the victim and the offender. The Community Diversion Centre in Victoria, enters at the pre-trial stage with referrals coming from the Crown attorney while the VORP in Langley, enters mediation at the pre-trial and post-trial stages as does the VORP in North Vancouver operated by the St. Leonard's Society. The VORP in Langley has been operating for five years and was funded solely by the Langley Mennonite Fellowship for the first four years, after which it received additional assistance from the Corrections Branch of British Columbia. Total costing is approximately $7,200. Their contract deals exclusively with young offenders, however, the programme does accept adult offenders. In 1985, they dealt with 24 offenders, 13 of whom were adult court ordered referrals. The problems encountered in Langley centre are around the under-utilization of the programme by the courts and Crown counsel and the difficulty in dealing with turnover, and subsequent re-education of the individuals in the crown counsel office.

The programme in North Vancouver, modelled after the VORP in Kitchener, Ontario, has been operating for four years. It deals essentially with the major property offences of breaking and entering, theft over and under $200, fraud and vandalism. These offences comprise approximately 80% of the crimes in the area. The majority of the funding comes from the St. Leonard Society to cover the $30,000 annual costs of the programme with minimal funding from the province. Due to a series of regional problems

in 1985, such as changes in court boundaries, their referral rate was down to only 44 offenders and approximately 75 victims, from 150 offenders and 190 victims in the previous years. Judging from past experience however, the response should increase to the previous level shortly.

As with similar programmes the major difficulty in the operation of the programme is in the turnover of civil servants and the need to continually re-educate Crown counsel, probation officers and judges in the area. An evaluation funded by the Solicitor General in 1984, reviewed the entire programme examining objectives and programme effectiveness. The report was most favourable and noted that the programme surpassed its objectives and goals in the first year and continues to do so. Ironically, as a result the programme lost its funding. It was felt that continued seed money was unnecessary. What appears to have been overlooked are the reasons for the programme achieving its objectives. The prgoramme was strongly rooted in the dependence on the seed funding. The workers question whether the St. Leonard's Society can continue to fund the programme as it currently operates.

Attendance Programmes

The possibility of setting up an impaired driving programme is currently being considered by an inter-ministerial committee. Interest has been focussed on the possibility of a programme by

an earlier proposal.

Browning (1984: 64-65) notes three programmes for assaultive males in British Columbia, the most prominent, and long lasting, being the Vancouver therapy groups for assaultive males. The present programme began in June 1982, but was derived from experiments beginning in 1977. It involves therapy through discussion, confrontation and is aimed at providing the courts with a therapy group sentencing option. Its primary and priority referrals are court mandated clients.

Wachtel and Levens (1983) conducted an evaluation and found problems with the referral base and criteria used by the court (i.e., loss of some clients because of post conviction criteria in programme), as well as an uneven referral rate from probation offices. Procedural problems in the early stages included such concerns as the number of clients referred by the court did not meet original expectations and the stage of intervention was 'opened' after the initial flow.

Wormith & Borzecki (1985) in their survey of sex offender treatment programmes identify three treatment programmes in British Columbia offering a variety of treatments and target populations. The Regional Psychiatric Centre, in Abbottsford, deals with all offenders in an intensive group psychotherapy regimen although a behavioural assessment is also included. This programme was seen as unique among the resident programmes in Canada. Its referral sources are from institutional

psychologists and on a voluntary basis. The other programmes, in Campbell River and the University of British Columbia hospital, are attended voluntarily and by court and parole and probation board referrals.

The Elizabeth Fry Society of British Columbia has been operating a counselling group service for shoplifters since 1972. It is based on the belief that in some instances the criminal act is symptomatic of a personal problem which may be ameliorated by counselling. Thus a reoccurrence may be prevented. The programme is intended to act as a complement to existing services of probation and diversion as well as to serve as a sentencing alternative to the courts.

Referrals come from a variety of individuals in the social services and the criminal justice network in the Lower Mainland. All clients are screened to determine the need for intervention and the level of motivation to participate. Attendance may be either self-referred or voluntary pre-court diversion, or as a condition of probation or other court order.

The Corrections Branch assumed primary funding of the programme in the 1978/79 fiscal year, following a number of years of funding provided by a variety of organizations. The programme was originally established as a demonstration project jointly sponsored by Forensic Psychiatric Services and Elizabeth Fry. An evaluation was conducted in 1981 which focussed on recidivism, direct needs of offenders and on policy review. It

was seen as being very successful in achieving its objectives. In a two-year follow-up, the evaluator indicated less than a 12% recidivism rate for related offences.

The Corrections Branch operates six community correctional centres which house inmates who participate in community-based educational and work programmes. During 1984/85, $2,071,676 was spent on these centres. In addition, the Branch contracted three other community-based residential centres one of which has a special alcohol treatment programme. The cost of these three centres was $894,288.

A variety of daytime attendance and diversion programmes are provided through contracted services. These programmes are aimed at providing general counselling, drug and alcohol treatment and life and job skill improvement. A total of $2,902,473 was spent on these services. Of this total, $53,200 was specifically designated to daytime attendance contracts and $29,360 to alcohol and drug counselling contracts.

Temporary Absence Programme

Temporary absence programmes are operated by the Corrections Branch from secure correctional centres, camps, community correctional centres, and community-based correctional centres. Most persons sentenced to custody that are housed in community correctional centres are released on temporary absence programmes. Of the persons accommodated in community-based

residential centres which are not gazetted as correctional centres, 80% were on temporary absence releases, one percent on bail supervision, five percent on probation orders and 14% on parole during the fiscal year 1984/85.

In British Columbia, temporary absences are used to reduce the negative effects of imprisonment and to encourage inmates to accept some degree of personal responsibility with regard to self-maintenance, family support and restitution (Harrison, 1977).

A maximum five-day extraordinary leave may be granted to any inmate on emergency or compassionate grounds. The types of temporary absences available are employment, educational, medical and for participation in a total programme of community re-entry.

In addition to the cost of housing inmates, the Corrections Branch incurred costs related to the temporary absence programmes with respect to:

- admissions and release procedures;
- pre-release enquiries by probation officers and temporary absence supervision;
- finding community placements;
- inmate management/supervision within centres;
- keeping beds unoccupied for short-term releases; and
- the operation of specialized counselling programmes.

The branch has between seven and eight positions in the correctional centres allocated to the functions carried out by temporary absence coordinators. The expenditures related to the above functions and to the temporary absence coordinators are included in the operating costs of the correctional centres and probation services.

The number of temporary absence releases which were granted between April to November 1985 are shown in Table 2.

The aim of the Re-entry Programme - Temporary Absence is to restore the offender to full community participation (*Re-entry Program* - pamphlet). The applicants are carefully screened before selection and those who have committed serious crimes or have an extensive criminal record are excluded from the programme. Participants are supervised on a daily basis while in the community. While they are on the programme, offenders may reside in Community Correctional Centres (run by the Corrections Branch) or in community-based residential centres (run by private agencies or organizations other than the Board) which provide a more 'normal' environment.

Table 2

Breakdown of Temporary Absence Releases for British Columbia

Purpose		Number	Percent	
Employment:	Short	828	18	
	Long	349	8	
	Terminal	35	1	
	Total			27
Education:	Short	114	3	
	Long	34	1	
	Terminal	1	-	
	Total			4
Medical:	Emergency	80	2	
	Non-Emergency	230	5	
	Total			7
Reparative		424		9
Compassionate		111		2
Socialization		2046		46
Terminal		53		1
Day Jail		91		2
Other		81		2
Total		4477		100%

Not only does the programme allow the community an opportunity to participate in corrections but the cost of keeping an offender on a temporary absence is much less than the

cost of keeping this individual incarcerated. The programme benefits the offender in the sense that he/she can:

- maintain a job,
- develop good working habits,
- have some sense of normal daily living,
- support his/her family,
- pay off debts,
- make restitution,
- accumulate savings, and
- develop positive relationships and contacts with members of the community (*Re-entry Program* - pamphlet).

Intermittent Sentences

The Task Force on Municipal Police Costs in British Columbia (Ross, Lister, Cumming & Gleason, 1978) cites similar difficulties as those experienced by Ontario. In addition, problems arise when inmates require special diets or medication. At the time of the Task Force report, intermittent sentences could be served in police detachment cells. The courts occasionally imposed an intermittent sentence without prior notice or enquiry regarding facilities in the detachment. This lead to overcrowded conditions and a lack of proper exercise and hygiene facilities. Internal rules of provincial jails with respect to admission hours had also caused problems.

Some of the recommendations put forth by the Task Force were:

1. Intermittent sentences should be served in correctional facilities and community service orders should be encouraged where such facilities are not available. The RCMP and municipal police support intermittent sentences for certain offences, as long as they are not served in detachment cells.
2. A probation order or recognizance should be mandatory as part of an intermittent sentence.
3. The maximum time period of an intermittent sentence should be 30 days served on consecutive weekends (p. 386-387).

It was found that the majority of intermittent sentences are given for drinking driving offences, which is consistent with statements from Prince Edward Island and the results of the Ontario study by Crispino and Carey (1978).[1]

Currently, approximately 12% of the sentenced admissions to British Columbia institutions involved persons serving intermittent sentences. The *per diem* cost associated with this sentence cannot be readily separated from the total costs of operating institutions. There are, however, additional costs associated with these sentences. They include the costs related to:

- admission and release;

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[1]In Ontario, though, the proportion of persons convicted of liquor offences on intermittent sentences is significantly lower than that found in the general inmate population (p. 15).

- increased supervision costs within the institutions;
- holding additional beds open and/or peak-loading resulting in overtime costs; and
- the release of persons serving continuous sentences on temporary absences to make space available for those serving intermittent sentences.

Prison Industries

The Corrections Branch is at this time undertaking a major policy initiative on all matters regarding inmate work programmes. The Branch is identifying work programmes which fall generally into five categories:

1. traditional work programmes needed to maintain institutional operations such as grounds maintenance, building repair and laundry services;
2. community work projects which are of benefit to the community and/or victims i.e., playground construction and property repair;
3. production of goods and services for the public sector including municipal, provincial and federal government agencies as well as non-profit organizations;
4. goods and services to the public sector through cooperative ventures; and
5. inmate crafts or cottage industries.

There are only two programmes now in operation in British Columbia which fall into the category of providing goods and services to the private sector and which produce revenue. These are located in Terrace and Pine Ridge Community Correctional Centre. About 20 to 30 sentenced persons participate in these programmes of the total of 1,660 persons on average in custody during 1984/85. Inmates employed in these programmes and who receive income must pay up to $10 per day for accommodation and may be required to pay family maintenance and restitution from their earnings.

The Inmate Welfare Contracting Society at Terrace Correctional Centre has an employment arrangement with a private company (*Corrections Information*, Fall 1985: 6). The objectives of this programme are twofold: 1) to create a "...constructive social programme of benefit to inmates, the local community, and the province" (p. 3); and 2) to offset some of the institutional expenses. After the company completed logging, the inmates salvaged any remaining firewood, then cleared and burned the plot. The inmate society earns a profit through the sale of firewood cords and the company pays the correctional centre for the debris removal.

In addition, the shake mill at Pine Ridge Correctional Centre is not labour intensive but is run at community service enterprise standards. A minimum of four months training is required before offenders may participate fully (*Corrections Information*, 1985: 7).

One respondent to the survey indicated that a prison industry whose profits were given to the Workman's Compensation Board Criminal Injuries Fund would be an alternative worth developing.

Other Alternatives

A proposal has been forwarded by a number of probation officers for an intensive supervision programme for high risk offenders. It is intended as a true alternative sentence in that the authority of the court will not be usurped by other players within the criminal justice system. Protection of the public is of primary concern, and the option is based on the pre-sentence report by the probation officer and the approval of everyone concerned in the investigation. The process would begin with a submission to the court for the offender to be placed on the programme following which a pre-sentence report would be written to determine the suitability of the offender for the programme. Once agreement is reached the individual would be escorted to jail then released within 48 hours on a temporary absence and subject to its conditions. The latter condition is to circumvent the problems which surface in dealing with the enforcement of a breach of probation. Following this, the individual would be subject to intensive supervision by probation officers assigned to the programme including *ad hoc* visitations to work or home to ensure adherence to the conditions of release, e.g., attend a community therapy programme. This is at an early proposal stage,

however it may be worth pursuing if funding could be made available for its implementation.

The government has also examined proposals dealing with electronic monitoring of offenders. This alternative is not necessarily an alternative to incarceration *per se*, but is to be operated on a temporary absence basis to reduce offender populations.

Summary

There appears to be a strong desire on the part of some field personnel in a number of regions in British Columbia to see the development of a fine option programme in the province, as opposed to the desire of senior level management who do not retain this position. The government is investigating the feasibility of the programme at the moment. There appears to be an emphasis on keeping the offender in the community through various attendance programmes and a desire to develop innovative programmes to deal with victim services and supervision of offenders. Trends suggested by the study identify intensive supervision of offenders in the community and the possibility of the development of electronic monitoring.

Table 3 British Columbia - Summary Caseload Data - 1984/85

Probation Admission		
- Probation	9,994	
- Pretrial Supervision	3,946	
- Parole	790	14,730
Probation Average Monthly Caseload		
- Probation	9,449	
- Pretrial Supervision	1,496	
- Parole	456	
- Family	5,627	17,028
Community Service Orders		
Average Count/Month*	1,379	
Institutions Average Count		
- Sentenced	12,111	
- Remand	4,437	16,548
Fine in Default		
- Admissions	1,986	
- Average Count	48	
Residential Attendance		
Average Count/Month at CBRC's		
- Temporary Absence	65	
- Bail Supervision	1	
- Probation	4	
- Parole	11	81
Intermittent Sentences		
- Drugs	32	
- Motor Vehicle	1,196	
- Persons	39	
- Property	126	
- Other	52	1,445
Intermittent Sentences		
Sentence Length:		
1 - 7 days	210	
8 - 14	618	
15 - 21	221	
22 - 30	163	
31 - 45	30	
46 - 60	56	
61 - 90	145	
Over 90	2	1,445

*based on a special study in November, 1984

Fine Option

By January 1986 a fine option programme had been established in 15 NWT communities (in every region except Kitikmoot) and will be fully operational in all by March 1986. Currently the costs include $25 per placement and costs covering the headquarters and regional administration. The objectives of the corrections services in the NWT are to develop diversion programmes as alternatives to court action and to develop and use special programmes as alternatives to prison sentences. The regions of Fort Smith, Baffin and Inuvik will have combined CSO and fine option programmes by March 1986 and an evaluation of the fine options is hoped to be submitted by March 1987. Yellowknife Correctional Centre will have an institutional fine option programme by March 1986. One is already operational at South MacKenzie Correctional Centre.

The philosophical framework the government is based on a continuing concern with the establishment, promotion and evaluation of community-based programmes such as fine option, community sevice and probation as well as community residential centres. They will continue to define suitable alternatives to prison.

No formal mediation programme is currently operating in the Northwest Territories, however, elder's councils will often be

used in minor dispute resolution.

Community Service Orders

The community service order programme is used as an alternative to the traditional method of sentencing in the Territories. In addition, it is also used in place of short term and ineffective jail terms. The necessity for this is of particular importance in view of the high cost involved in transporting prisoners to correctional facilities and the traditional problem throughout Canada of a lack of bed space.

The unique location of the Northwest Territories has an impact on the principles established for these programmes. Although certain placements may be used more than others, it was suggested that placements should not become dependent on the quota of community service orders. His Honor, Judge Slaven, has indicated also that the nature of the work placements should not be humiliating to the offender and should not constitute cruel and unusual punishment. An optional condition in the orders handed down in the courts allows for an early termination of the order, upon completion of the required number of hours. The Inuvik Northwest Territories study suggests that lengthy orders may overload or exhaust the job bank.

In a separate document entitled *NWT Plan in Corrections: Goals & Objectives, 1985-87* published by the Northwest Territories Social Services Department, there is a statement

indicating a continued emphasis to be placed on community correctional programming. Different programmes are being explored to meet more effectively the needs of the largely native population. In small settlements the RCMP and community organisors have assisted in implementing community work projects.

Restitution Programmes

There is no restitution programme operating in the province at the present time. However, in accordance to the goals and objectives of the social services of the province there will be one victim/offender reconciliation programme operational in one community by March 31, 1986.

Victim/Offender Reconciliation Programme

In an effort to achieve one of its general goals of encouraging diversion programmes as alternatives to court action, the government has an objective to implement a VORP in one community by March 31,1986 (*NWT Plan in Corrections: Goals & Objectives, 1985-87*). The government supports the joint effort of the RCMP, the Crown counsel and the court administration in developing guidelines for determining which conflicts should be resolved through mediation. In addition, they examine appropriate situations for the intervention of social agencies in the community, and make necessary referrals.

Temporary Absence Programme

This programme "...will be used as a tool to both provide inmates with access to employment and vocational opportunities as well as alleviating overcrowding in the Centres" (*NWT Plan in Corrections: Goals & Objectives 1985-87: 83*). The report further notes that 100% of classifiable inmates are released on temporary absences (when the availability of placements and season are considered).

Both daily and full temporary absences are available to those who wish to attend educational courses, seek employment, require treatment, or for humanitarian reasons. For individuals convicted of certain offences a full community investigation is required and Chief of Corrections approval is necessary. The Superintendent may grant a full temporary absence for up to five days and a daily temporary absence for up to 15 days. (Back-to-back 15 day renewals may also be granted.) Approval by the Chief of Corrections must be given for full temporary absences of more than five days or renewals within the 30 day interval and for those individuals on the restricted list. Exceptions are made for renewals of release to half-way houses and wilderness camps.

The temporary absence application is assessed by the Classification Committee or the Superintendent in terms of the offender's conduct, "...the availability of an adequate release plan and a favourable community investigation" (*Institutional*

Operations Manual Directive - Chief of Corrections, 1984: 5).

Intermittent Sentences

An intermittent sentence has been available as a sentencing option since 1972. There is, however, no indication of how successful the programme is nor any problems encountered with its operation.

Summary

Strongly stated objectives of the Territorial government indicate a commitment to the development of community-based alternatives to incarceration. The fine option programme is developing rapidly and reconciliation programmes are being considered.

Fine Option

The structure for a fine option programme is in place; the coordinators are waiting for the minister responsible to provide final approval for the programme. It will be administered by probation services in the Department of Justice. It is anticipated that the programme will be introduced in the throne speech in March.

Community Service Orders

Community Service commenced in the Yukon in the Spring of 1978 as an alternative to jail terms of 30 days or less. In addition, it was to be used as a rehabilitative technique following short term periods of incarceration. The work service hours are between 40 to 200 hours. Two of the objectives indicated are reparation to victims and the increased public visibility of justice being served.

The CSO programme accepts all ages of clientele. It is administered by Social Services as a condition of probation. Placements are made with non-profit community groups according to the needs of the community. There were 188 clients admitted for the 1984/85 fiscal year. The weaknesses for the programme specified in the overview were that it required full-time

supervision and monitoring, and there was a shortage of manpower to serve this function. Also, that a method for recruiting and training of community service order work supervisors was needed to ensure consistency of programme delivery throughout the Territory. The programme is scheduled to be evaluated in the summer of 1986.

Restitution Programmes

The study on the Yukon restitution programme provided quantitative information of the practice of restitution in that province and was not an experimental design or a programme evaluation. Probation orders of restitution constituted the entire range of cases examined. During the period of April 1, 1981 to March 31, 1983, there were 1473 probation orders made in the Yukon Territory of which 22% involved a condition of restitution. Interestingly, natives receive restitution orders more often than white offenders. This is rather unusual since the literature suggests mostly white middle class offenders receive a restitution order. However, it was found that white offenders showed a slightly higher rate of full payment than did natives. Similarly, it was found that a greater proportion of women paid their restitution in full than men.

Compliance rates also varied according to the actual condition of payment. Payment forthwith, not surprisingly, had the highest compliance rate of 100%, while installment orders

had the poorest rate of 26.7% for full payment. A condition issued for optional duration was moderately successful at 59.9% for full payment. Overall, full payment rate in the Yukon was 60.8% while partial payment was quite low at 3.8%. When looking at these completion rates in dollars, 43.2% of the total restitution money was collected. But two orders in the Yukon which went unpaid were over $10,000 skewing the total figure. If these two orders were excluded, the proportion of restitution collected jumps to 54%.

One rather unexpected finding is the fact that orders of restitution in the Yukon often did not require a reporting order (36.7%). This is unusual since Yukon probation officers have requested the judiciary to include a reporting condition in a restitution order to establish a realistic payment plan and may assist in future efforts to locate the offender if the order is unpaid. In addition, when an order went unpaid, in 70.4% of these cases no breach charge was laid by the probation officer. Several reasons were given for this, such as the fact that it would be difficult to prove wilful refusal to pay in court or that these restitution conditions could have been lost or forgotten. Even in those cases where breaches had been laid, 70% did not proceed, often because the offenders left the Yukon and it would have been too expensive to bring them back to make them pay. Only in three cases was the offender ordered to pay the original restitution.

From this brief review, several weak areas have been identified and improvements are relatively straightforward. Efforts should be directed at encouraging the judiciary to include a reporting condition and a period of review time with each order involving restitution. It was also suggested, concerning probation files, that a central log designed to alert a probation officer to unpaid or nearly paid orders be considered. Some sort of routine measure of accountability for probation officers should be required for every unpaid order where no breach is made. Overall, most of the work that has to be done is in the area of structural organization. The judiciary needs to be educated as to how to properly deliver a restitution decision, the probation officers need to establish a better system of monitoring individuals making these payments; staff should also be assigned to keep the victim informed of the developments in a case. If restitution was more formally implemented into a programme model, a higher success rate may be achieved.

Since this study, a restitution programme is now being operated under the Department of Justice Community Correctional Service and is receiving provincial funding. During the 1984/5 fiscal year, 71 offenders were admitted to the programme but, as of yet, this programme has not been formally evaluated.

Victim/Offender Reconciliation Programme

In 1984 a family mediation programme was established at the Department of Justice. It deals mainly with resolutions involving custody, maintenance and support situations. The territorial court also assists in resolving small debt claims out of court. The aim is to re-establish goodwill between parties and is currently offered without charge to the clients. There is currently a consideration to establish mediation for spousal assaults, although this is not finalized. The major problem appears to be financial support, or lack thereof, despite the increased support of the current NDP government over the support from the past Conservative government.

Attendance Programmes

The Attendance Centre programme has only been in operation since January 1986 and it is therefore too soon to identify any problems. One attendance programme identified in the Yukon gives intense group supervision for six to eight offenders who are at risk of failing to complete their community service work order and provides a service to senior citizens in the community.

Evans (1985: 86) identifies an impaired driver programme which is referred to as a Remedial Drivers Training Programme. It involves offenders who have been suspended from driving by the Territorial Driving Board, accumulated an excess of demerit

points, or those individuals deemed to be 'dangerous drivers'. In order to have one's licence reinstated one must successfully complete this programme. The course itself focusses substantially on defensive driving skills, while approximately 30% of the content focusses on the effects of driving under the influence of alcohol or drugs. The referrals are from the territorial court and from the Justice of the Peace Court while the funding comes from the territorial government.

There is an Alcohol and Drug Services programme in Whitehorse which provides counselling to offenders and assessments to the court. Referrals for the programme are from probation officers and assessment may be ordered from the court prior to sentencing or as an alternative to incarceration. In addition, there is a treatment centre running an alcohol counselling programme to which individuals may be referred by the court or by a probation officer. It is currently funded by the Territorial Court.

Temporary Absence Programme

The temporary absence programme has been operating in the Yukon since legislation was enacted to permit the short-term release of sentenced prisoners from custody for humanitarian, medical or rehabilitative purposes. One of the strengths identified by the Department of Justice is that this programme provides considerable discretion to correctional administrators

in offender management. On the other hand, the 15-day time limitation imposed on humanitarian and rehabilitative temporary absences is considered to be too restrictive. Furthermore, the legislation does not provide temporary absences for remanded prisoners.

The programme, administered by the Whitehorse Correctional Centre, has been operating for 18 years. It enables sentenced inmates to maintain contact with their family, friends and society as well as allowing them to participate in community programmes and educational endeavors. In 1984/85 approximately 263 applications were received of which 235 temporary absences were granted. Also, ten work releases were granted during this period. Violations of temporary absence conditions are quite rare; five violations (2%) in 1984/85. The programme can be time consuming to administer but according to the director at the Institutional Services Branch the benefit to the inmates and the institution outweigh the minor problems. New procedures which were instituted in March of 1985 have yet to be evaluated.

The types of temporary absences available are similar to those mentioned previously (*Temporary Absence Summary, April 1985 - September 1985*). The number of inmates on temporary absences and the number of temporary absence days granted varies from month to month - anywhere from 1,261 inmate temporary absence days for 151 inmates in May 1985 to 520 inmate temporary absence days for 67 inmates in July 1985. From April to September 1985 there were no breaches of conditions.

Temporary absence requests are submitted to the Classification Board within the institution for consideration although final approval lies with the office of the Superintendent.

Intermittent Sentences

Since legislation was enacted, the courts have been allowed to impose intermittent sentences where an incarceral term is mandatory or warranted by the circumstances. Such a sentence ensures that no undue financial hardship will befall the offender and his/her family. This type of sentence must be imposed in conjunction with a probation order and may not exceed a maximum of 90 days. It is reported that the enforcement of the attendant standard probation conditions regarding "maintaining the peace and being of good behaviour" is not uniform and that many offenders are reporting on weekends in an intoxicated state.

According to the Annual Report for 1984/85, intermittent sentences account for only five percent of admissions. Thus, it is felt that the existing structure is well able to manage this type of admission with existing resources at no additional cost to the corrections division. There are, however, significant demands on the 50 RCMP detachment lockups, particularly in remote areas of the province, where such offenders are ordered to report in order to satisfy the sentence. The Department of

Justice states that in these cases, costs associated with the casual employment of "civilian guards" to provide security for only one prisoner in an RCMP lockup become rather extraordinary, often requiring a *per diem* expenditure of $300/inmate.

At the Whitehorse Correctional Centre, intermittent sentences account for 13% of total sentenced admissions in the fiscal year 1984/85 (63 admissions). This type of programme has been in existence for ten years, and permits the offender to maintain employment and family responsibilities while at the same time minimizing the potential for adverse effects associated with imprisonment. One problem identified with the operation of the programme is that occasionally it becomes difficult to keep track of the conditions (reporting days) of the sentences. Furthermore, some inmates arrive at the centre without the necessary documentation.

Summary

There is no fine option programme available in the Yukon, however, there is a desire to see the development of one. This, in conjunction with a recent development of mediation services indicated a general move toward the community alternatives, and a more informalize justice. There is, however, a stated lack of resources hindering this movement.

Temporary Absence Programme

The temporary absence programme went into effect at the federal level in the early 1960's to allow inmates the opportunity to leave the institution and be in the community (Needham, Labelle & Pinder, 1981). When it was discovered that temporary absences were being used to circumvent parole denial, the decision-making power was taken away from Correctional Service of Canada authorities and placed in the hands of the National Parole Board. Many of the inmates previously on temporary absences were now diverted to day parole.

A temporary absence is usually the first form of conditional release a prisoner experiences (Woods and Sim, 1981: 57). To be eligible, prisoners must first serve six months or one sixth of their sentence, whichever is longer. Lifers and those offenders receiving indeterminate sentences have different time eligibility criteria.

Since 1977, two forms of temporary absences are allowed: escorted and unescorted. Escorted temporary absences are usually granted by the Warden at any time. Unescorted temporary absences are granted by the National Parole Board, but in practise Correctional Service of Canada authorities make the decisions for those serving less than five years and may also grant second or subsequent unescorted temporary absences. An unescorted

temporary absence may be granted if the "...release of the inmate does not constitute an undue risk to society" (*National Parole Board Policy and Procedures Manual*: 132). According to the *National Parole Board Policy and Procedures Manual* (section 7, p. 131), there are two reasons for granting a temporary absence:

Medical Reasons:

The need for medical care or treatment which cannot be provided in the institution.

Humanitarian Reasons:

Compassionate grounds (e.g., family funeral).

Family and community contacts (e.g., sports or recreational activities).

Administrative (e.g., court appearance).

A duration limit is placed on unescorted temporary absences for humanitarian reasons depending on the security level of the institution: 48 hours/month at maximum and medium security institutions and 72 hours/month at a minimum security level. The National Parole Board does, however, have the authority to grant temporary absences on compassionate grounds for a maximum of 15 days.

The success rate of the temporary absence programme is extremely high. The Solicitor General's study (Needham, Labelle & Pinder, 1981) claimed that of approximately 50,000 releases per year less than one percent are declared unlawfully at large, detained by the police or terminated for misbehaviour (1981:

148).

Prison Industries

In the mid and late 1800's, prisoners were used as a source of cheap labour to produce goods for private entrepreneurs. These goods were then sold on the open market for private profit. As this profit factor increased to major prominence within the correctional setting the abuses became more visable and harder to ignore. The humanitarian treatment of prisoners was becoming a profiled issue and together with private entrepreneurs and the emerging organized labour movement pressure was brought to bear on government (Lightman, 1979). The *Penitentiary Act of 1906* officially banned contract prison labour and stressed that government projects should provide work for prisoners (*Let's Talk*, Dec. 30, 1984: 2).

There are, now, a paucity of federal prison industries which fall within the definition of prison industry employed for this report. Presently, the federal prison industry programme under the trade name CORCAN sells its products exclusively to governments at all levels and to non-profit organizations. The goals of CORCAN are as follows:

- to produce goods in a cost efficient manner so as to maximize CORCAN's contribution to overhead;
- to develop good work habits for inmates;
- to give prisoners the opportunity to learn transferable

skills; and

to aid the offender, through training, in his return to society (Watson & Smith, 1984: 5-6).

The Joyceville Pilot Project in Ontario, is an experimental CORCAN industry which sells goods to the private sector.

The Springhill Tree Nursery, located at Springhill Institution in the Atlantic, is one example of a current prison industry (*Let's Talk*, Dec. 30, 1984: 7). This is a joint venture between Correctional Service Canada and Scott Pulp and Paper Company (a private industry). Seventeen inmates a year are employed to nurture containerized seedlings to the point where they can be planted. The greenhouse facilities are within the security parameters and supervision is provided by Scott Paper staff. The capital funding for the tree nursery was provided by Employment and Immigration Canada. Money earned by inmates assists in family financial responsibilities and is a source of support once released. They receive the provincial minimum wage, but must pay for room and board plus the standard government deductions. The programme has a stabilizing effect on the inmates and is, therefore, beneficial to the institution.

Scott Pulp and Paper Company also operates a tree harvesting business jointly with Sand River logging camp, a Community Correctional Centre (*Let's Talk*, Dec. 30, 1984: 7). An average of 20 inmates are employed to harvest trees to be used for lumber or pulp and paper and to plant the trees grown at Springhill Institution. Inmates are paid according to production

and charged for room and board.

The cost data in Table 3 was provided by the Canadian Centre for Justice Statistics. The figures represent the major expenditures by programme and province.[1] This information, cost data which was provided on the questionnaires and expenditure information obtained through discussions with the ministries responsible for correctional services are discussed below.

Fine Options

In the Province of Nova Scotia, the fine option pilot project is supervised by a probation officer who also carries out all the other normal probation officer's duties. The amount of time spent on the fine option programme is unknown.

In Quebec, about $924,500 was spent on the contracted agencies supervising the work done in communities in lieu of serving prison terms. In addition, both the court and correctional services spent staff resources to administer the programme and to carry out civil proceedings to seize assets.

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[1]The 1984/85 fiscal year expenditure for the provinces and territories have not been confirmed by the Centre and as such there may be some difference between these estimates and the final figures reported by the Canadian Centre for Justice Statistics.

Table 4

PROVINCIAL EXPENDITURES 1984-85

CATEGORY/PROVINCE	NFLD.	P.E.I.	N.S.	N.B.	QUEBEC	ONTARIO	MANITOBA	SASK.	ALBERTA	B.C.	YUKON	N.W.T.
I HEADQUARTERS & CENTRAL SERVICES	108.4	43.2	562.0	719.4	5,223.6	18,657.0	609.4	1,287.6	3,971.1	2,596.7	214.6	185.2
II CUSTODY CENTRES												
A. Gov't. operated												
(i) Secure	8,712.9	2,270.4	11,772.4	10,483.3	77,935.8	190,801.1	17,594.4	22,578.7	52,961.3	32,427.9	2,630.1	6,652.6
(ii) Open	1,617.9	0	0	0	0	0	1,137.6	5,512.6	0	18,687.8	0	0
(iii) C.C.C.	0	0	0	784.3	0	0	0	2,687.1	4,884.7	2,705.3	0	0
B. Purchased Services												
(i) C.R.C.	28.0	0	16.1	0	4,000.5	7,009.9	193.6	0	2,166.0	936.6	0	130.0
(ii) C.T.C.	0	0	0	0	1,313.8	0	0	428.6	0	0	0	0
(iii) Other Serv./ Grants	50.0	0	26.5	19.2	1,279.7	0	0	0	0	0	0	15.3
III COMMUNITY SUPERVISION												
A. Gov't. operated	499.3	355.8	2,347.9	1,504.1	7,222.3	38,056.4	3,146.6	3,549.8	10,153.2	7,973.1	498.9	0
B. Purchased Services												
(i) Supervision	100.0	0	69.0	0	0	5,237.7	0	0	0	0	0	350.0
(ii) Other Serv./ Grants	12.0	0	9.0	23.3	1,439.9	412.8	333.7	174.3	10.4	4,167.2	0	70.0
IV PAROLE BOARDS	N.A.	N.A.	N.A.	0	1,057.2	2,468.6	N.A.	N.A.	N.A.	466.6	N.A.	N.A.
TOTAL	11,128.5	2,669.4	14,802.9	13,533.6	99,472.7	262,643.5	23,015.3	36,218.7	74,146.7	69,961.2	3,343.6	7,403.1

Source: Canadian Centre for Justice Statistics

In Ontario, the two pilot fine option programmes administered by private agencies cost $99,684 during 1984/85. In New Brunswick, Manitoba, and Alberta, the fine option programmes are primarily administered by probation services. Some services are obtained from contracted private agencies. The expenditures on these programmes cannot be identified since they form part of the overall probation services or part of contracts under which other services are purchased.

In the Northwest Territories, the contracted agencies supervising the fine option programme also provide other services. The cost attributable to the fine option programme cannot be readily separated. In Saskatchewan, fine options are administered by probation services, who contract out to private agencies to supervise work placements.

Community Service Orders

With the exception of Ontario and British Columbia, community service orders are primarily administered by probation services, although some of these provinces may contract private agencies to perform some duties related to community service orders. In Ontario and British Columbia the community service orders are primarily supervised by contracted agencies. During 1984/85, Ontario spent $2,357,000 and British Columbia $1,264,700 for these contracted services.

Quebec estimated that approximately six percent of the probation resources are spent supervising the completion of community service orders; six percent of $7,222,300 = $433,338. If the amounts paid in Ontario and British Columbia for contracted services were added to the amounts spent for government-operated probation supervision, the percent spent on community service orders would have been six percent in Ontario and 14% in British Columbia. Caution should be used in comparing the above ratios to each other and should not be used to extrapolate the relative costs of administering community service orders elsewhere in Canada since no information is available on caseloads on operating policies and standards in this area.

Restitution Programmes

Except for the special contracts in Ontario totalling $16,700 in 1984/85, all other expenditures incurred in administering restitution orders form part of the overall court and probation service expenditures. In some provinces such as Quebec, the responsibility is primarily found in court services. In others, such as Nova Scotia, probation services have a more extensive involvement in that they are required to confirm restitution payments. The costs of receiving funds, account and for disbursements to victims cannot be readily determined.

Victim/Offender Reconciliation Programmes

These programmes are being operated in the Provinces of Quebec, Manitoba and Saskatchewan. The pilot programme in Quebec has three full-time staff paid by the Ministry of Justice. Most of the programmes in Ontario are operated by contracted agencies who also supervise restitution and community service orders, and as such, the amounts spent specifically on victim/offender reconciliation programmes cannot be clearly identified.

In Ontario, Manitoba and Saskatchewan, the programmes are funded by the government of Canada on pilot projects and by charitable organizations, churches and municipal grants. In some instances, the services are provided by volunteers. The amounts received from the above sources have not been ascertained.

The victim/offender programmes in British Columbia and New Brunswick are aimed at reconciliation and restitution. In British Columbia the police and Crown counsel interview victims in order to assess damages or losses incurred. There is one programme which involves reconciliation in operation in North Vancouver, and a second operating in Langley. In New Brunswick, the programme is primarily a witness management programme based in the provincial court. Inasmuch as some witnesses are victims, they are assisted through the court process. Two contracted staff manage this programme.

Attendance Programmes

The Provinces of Prince Edward Island and the Yukon Territory are the only two jurisdictions which do not have government owned or contracted community residential resources. Newfoundland, Nova Scotia and the Northwest Territories contract some residential services from private agencies; during 1984/85 they spent $28,000; $16,000; and $130,00 respectively for these services.

The Provinces of New Brunswick and Saskatchewan have government-operated community residential resources; respectively, they spend $784,300 and $2,687,100. The Provinces of Quebec and Ontario do not have government operated community residential resources but make extensive use of contracted residential services; in 1984/85, Quebec spent $4,000,500 and Ontario, $7,009,900 for contracted bed-spaces.

Manitoba, Alberta and British Columbia use both government operated and contracted community residential services. The 1984/85 combined expenditures for these services in Manitoba was $1,331,200; Alberta, $7,050,700; and British Columbia, $3,641,900.

In 1984/85, the Correctional Service of Canada spent $8,930,500 on government run community correctional centres and $9,943,900 for contracted community residential centres.

In nearly all instances, the community residential centres are used by inmates who are on release to a temporary absence programme, who have been placed in a residential centre as a condition of a probation order, or, are parolees who must reside in these facilities as a condition of parole release. The cost of operating the centres can vary significantly depending on their function. Most residential resources fall generally into three categories:

- provision of room and board only;
- provision of accommodation plus supervision and some counselling; and
- a specialized residences offering special programmes such as drug and alcohol treatment, mental and physical handicap programmes, intensive counselling and/or training programmes.

There are basically three types of programmes which are employed by correctional services which could be defined as falling within this category:

1. employment placements in the private sector;
2. placements in other government operated programmes such as drug and alcohol treatment, psychiatric centres, sex offender programmes, education and life/work skills; and
3. placement in programmes operated or contracted directly by correctional services such as those mentioned above.

The costs associated with operating these programmes are extremely difficult to determine. Even though some of the services are provided through specific contracts for which the expenditures can be identified, most are not. As an example, Quebec contracts with three agencies to provide employment

related training for inmates, probationers and parolees; in 1984/85, $454,100 was spent on these services. In other provinces, such as British Columbia and Ontario, significant sums are allocated for these services under both institutional and probation budgets.

In order to obtain a relatively complete picture of these daytime attendance programmes, a detailed analysis would have to be made of all correctional services' budgets and, in particular, the expenditures which fall under budget categories such as purchased services and professional fees. The costs borne by other government departments for service to corrections would also have to be estimated.

Temporary Absence Programmes

The costs associated with temporary absence programmes are borne by correctional centres and/or probation staff across Canada. These costs are incorporated in the overall budgets for these services and cannot be separated out without conducting special studies to prepare cost-estimates. The costs incurred are those associated with carrying out the followng functions:

1. determining suitability for release and conducting field inquiries regarding a candidate's behavior, residential resources and type of placement or activity in which the candidate is to participate;
2. arranging placement in programmes;

3. supervising inmates while on release for the centres;
4. admission and discharge procedures; and
5. initiate and administer suspension of releases.

Intermittent Sentences

In discussing the costs of administering intermittent sentences with representatives of correctional services it is generally agreed that intermittent sentences are more costly than continuous sentences. Intermittent sentences require more staff resources to carry out the following functions:

1. making bed-spaces available for short stays during peak periods - usually the weekends;
2. multiple admissions and releases;
3. provisions of meaningful programmes; and
4. controlling the flow of contraband into institutions.

Special studies would have to be conducted to determine these costs.

Prison Industries

The following provinces indicated that they operated prison industries where goods and/or services were sold to the private sector and revenue was generated.

- Nova Scotia
- Quebec

- Ontario
- Saskatchewan
- British Columbia

By and large, prison industries of this type represent a very small proportion of the inmates' activities in all jurisdictions in Canada.

The Correctional Services of Canada, reported three locations where such industries were operational. Scott Paper has contracts to employ inmates at Springhill and Sand River and there is a pilot project at Joyceville involving the manufacture of products. A financial statement regarding these projects is contained in Appendix 'E'.

The costs and revenues related to these prison industries in provincial institutions are not available at this time.

Recommendations: Expenditures, Resources, Caseloads

In order to examine the extent to which the programmes which are the subject of this study are in use in Canada today it would be necessary to conduct:

1. a detailed examination of correctional service budgets of each ministry responsible for correction services;
2. within the correctional budgets, carry out a detailed examination of all discretionary funds used to contract services;

3. for government and contracted services providing more than one of the specified programmes, special studies would have to be carried out to estimate the costs attributable to each programme;
4. all services provided to correctional clientele by other government departments would have to be identified and the costs of such services estimated;
5. the number of cases handled in each programme would have to be identified or estimated in order to calculate the unit costs for services in each province; and
6. determine the ratio of the specified services to other services provided by corrections and/or courts.

Table 5

Types of Alternative Sentence Programmes - 1984/85

	Restitution	Fine Option	CSO	VORP	Temp. Absence	Attendance	Intermittent	Prison Industry Prov/Fed.
Newfoundland	*	-	*	-	*	*	*	-
Prince Edward Is.	*	-	*	-	*	-	*	-
Nova Scotia	*	*	*	-	*	*	*	*
New Brunswick	*	*	*	*	*	*	*	-
Quebec	*	*	*	*	*	*	*	*
Ontario	*	*	*	*	*	*	*	*
Manitoba	-	*	*	*	*	*	*	-
Saskatchewan	*	*	*	*	*	*	*	*
Alberta	*	*	*	-	*	*	*	-
British Columbia	*	-	*	*	*	*	*	*
Yukon	*	-	*	-	*	-	*	-
Northwest Territories	*	*	*	-	*	*	*	-

Micro-level Issues

One of the reasons for the increase in alternatives is obviously the economic necessity for relieving jail overcrowding. Because of this, it is predicted that the trend toward alternative programme development will continue, although slowed by restraint. The construction of new penal institutions is simply too costly, this is not to ignore the humanitarian arguments, however, that it is simply more humane to maintain an individual in a residential centre than in a jail and, of course, the fact that it allows more access to other outside government services, and it means that corrections may not have to duplicate these resources. For example, they may not have to fund a drug treatment programme, or work release programme if inmates have access through TAP's. However, it has become obvious that the purpose of alternatives to relieve jail overcrowding has not happened for many of the programmes. Studies in different locales have indicated that while the number of individuals being sent to prison has not changed, or has even increased, the numbers admitted to community programmes have steadily increased, even tripling in one jurisdiction (Hylton, 1981; Polonoski, 1981). On the other hand, the use of TAP's has been on the increase in recent times and certainly operates to release the pressure on the jails.

Another issue is who comprises the alternatives clientele? The classification systems of corrections have been shown to select certain groups for closed institutional confinement. Therefore, the selection process determines the client group for community programmes. As well, the judiciary has been shown to make the same type of selection of individuals considered 'appropriate' for alternatives. Therefore, those being diverted to community corrections appear to be low risk 'tolerated' offenders. Thus, the comparison of recidivism rates between institutions and alternatives is most difficult to assess (Sarri, 1981), and, therefore, the evaluation of alternatives is made more difficult.

Problems have also arisen due to administrative weaknesses with alternative programmes. The profiled example in Alberta described earlier of a 'failed' community alternative programme for natives, is a case in point. Lack of autonomy appeared to be the culprit reason for failure of the High Level Diversion Project; there were simply too many administrators responsible for controlling the programme. The power of decision-making did not lie with the community group which was in charge (Native Counselling Sources of Alberta, 1982: 3).

Also the shifting of alternative programme concept from one jurisdiction to another appears problematic. When original personalities and enthusiasms are no longer responsible for implementation of normal alternative programmes, success is no longer assured. Also, the target client group will change, so

the argument is substantiated that what is effective for the original client type is not necessarily true for others. Fine option programmes are current illustrations of the problem.

Finally, along with the shift to the community for alternatives some jurisdictions in Canada have gone the privatized route to reduce costing expenditures as well as to "balance the dominance of government and provide an alternative framework for the delivery of social services" (Sapers, 1985: 3).

There appears to be a two-edged sword in this movement. First, concerns have been voiced over the lack of standards in monitoring other private sector programmes. How can corrections be certain, for example, that a private CSO agency is keeping track of its clients adequately? Where are the standards manuals of many privately run attendance centres diversion projects? On the other hand, the private sector agencies are continually made vulnerable to cutbacks and ever increasing requirements for obtaining funds for operation. Administrative costs "undermine their dependence and divert their energies away from their main purpose which is to assist offenders" (p. 16).

With these problems in mind, what directions remain available for relieving overcrowded jails, other than with corrections or the judiciary? A possibility lies with the other two components that function earlier in the system, the police and the Crown. It is speculated that the police may not be the

source to look to, because their discretion has been limited by due process concerns. The options to divert individuals has narrowed. On the other hand, the Crown could filter out numbers more efficiently. However, even that power has diminished with concerns about structuring of decision-making at that level, for example, with plea bargaining problems. Relative to the issue of balance of power, therefore, it may be that the tasks related to victim/offender reconciliation and the informal resolution of cases previously handled by the police and Crown counsel have been passed to the judiciary.

Most of the above issues described are micro-level concerns dealing with process and procedure, not policy. The stated objectives of the present study relate to evaluation of policy and a consideration of direction emerging from the programme survey review. These issues are spoken to in the following section on macro-level issues.

Macro-level Issues

The macro-level issues surrounding alternative programmes require a more fundamental questioning of the purpose and existence of alternative sentencing. For example, it is interesting to note that the corrections thrust after the MacGuigan report in 1977 was not toward personal reformation within the institution, but toward reintegration. Reintegration should not necessitate individual rehabilitation, an approach

which did not 'work', in any case. Why then did the development of alternatives evolve around attempts to match offender to programme? It appears there was still the belief that the solution to recidivism lies upon finding a right combination of offender/programme/worker that will 'reform' the criminal (Adam, 1977).

The articulated philosophy behind the CSO would seem to confirm this. Although in more recent times, the punitive aspect of alternatives is emerging as an important objective (in keeping with a just deserts model), the idea that the offender will be positively affected by his service in the community nevertheless looms overall. But again, an appropriate fit must be made for this transformation to occur. Therefore, there is the perceived need for many options that are constantly being updated or made more relevant.

The confusing combination of the alternatives is another example of this phenomenon; CSO's with fine option, with a probation order or without, attendance centres with a number of programmes, and intermittents. It is a never ending attempt to find the right fit for the offender, never mind his offence. We are still in the age of concern for the individual and his reformation, although such profiled trends as the focus on sexual abusers as a group may change that somewhat.

But, one is left once again with the question: What works? As has become clear, it is doubtful if the present scattered

attempts at inconsistent, incomplete evaluation will determine if the traditional measures of success are being achieved by the alternatives, particularly if using standard gauges of penal effectiveness, recidivism rates and costs.

The issue for the Sentencing Commission then becomes a question of how does this affect sentencing policy; that is, if the assigning of an alternative disposition is of doubtful or unproven benefit relative to the unfamiliar criteria mentioned, how does one sort out what should be done, what directions are to be taken, or what reforms to develop?

It has been suggested that it is necessary to return to a consideration of the purposes of sentencing. In an earlier study completed for the Commission it was found that offenders who were surveyed indicated they thought the purpose of sentencing was punishment. Certainly in an era of popularity for the return to harsher penalties, this is not surprising. Indeed, since the offender is also a member of the public this should be perhaps expected. The report on the public's views on sentencing completed for the Department of Justice in 1983 by Doob and Roberts, for example, found that the public (79.5% of those surveyed) believed sentences handed down by the court were not severe enough (p. 12).

On the other hand, in a parallel survey for the Sentencing Commission of provincial court judges the expressed or projected purpose indicated for sentencing was protection of society.

Again, this is not surprising in light of recent proposed legislative changes emphasizing that purpose for the judiciaries' consideration (Bill C-19). Obviously, however, the same exercise and consequence have quite different meanings for these two important participants in the sentencing process.

To carry this discussion logically further, it has been shown that individual judges' perceptions about the sentencing process differ widely. For example, in a 1982 study examining judicial attitudes towards sentencing options, it was concluded that there were varying attitudes towards sentencing, depending upon whether the disposition was for an alternative such as the CSO or for incarceration (Jackson, 1982). It appeared that the judges possessed two entirely different cognitive sets for the two possible disposition types. For the alternatives, the judge indicated that factors relating to the offender's characteristics were primarily considered (e.g., such factors as age, health, remorse, need for treatment). Whereas for incarceration, the important factors to weigh were listed as being those related to the offence (e.g., weapon used, amount of harm done, past criminality). One of the points made in the study was that it was understandable why the newly-developed alternatives were not successfully serving to reduce the overcrowded jails, as true alternatives were created to do, because the judges still perceived them as they did probation generally, that is, as a more lenient sentence.

Therefore, as the judges were made more aware of options available for individual offender's needs, such as treatment or job skills training, whatever, and at the same time, made more aware of these specific needs through an increased use of presentence reports and psychiatric reports, then the alternatives were there to be used, and use them they did. However, they were not used for the same individuals they would normally send to jail, because there was a primary purpose of protection of society to keep in mind; alternatives are simply not secure custody.

Returning to the *Canadian Public Survey* we see this dichotomous thinking at work as well. Whereas the public thinks sentences handed down are not severe enough, at the same time 68% were supportive of assigning either probation, a fine, or probation and a fine, as opposed to a term in prison, to a first offender convicted of a break and enter of a private home, resulting in $250 of property being stolen (p. 16).

This is not an indulgent exercise to go through; perceptions, attitudes and opinions have a real consequence. One can determine what sentencing purposes are perceived to be, but who and how does one determine what they should be?

Who is Responsible - What are the Objectives?

There are two possible avenues which lead to the effecting of the same alternative sentencing outcome, the legal one or the administrative one. The judiciary could easily hand over the power inherent in alternative sentencing to corrections. They have certainly done so with TAP's, and not done so with intermittents.

Balance of Authority Between the Judiciary and Corrections (or the Executive)

Recent federal legislation and in particular the *Young Offenders Act* and Bill C-19, suggest that the intention of the federal government is to extend the powers of the court, as opposed to corrections, to specify the types of sanctions which can be imposed for offenders. As these powers to the courts increase, the corresponding power of corrections administration decreases. The controversy and concerns which arose in response to the *Young Offenders Act* would seem to indicate that policy planning in this area should consider other stake holders' interests before such major shifts are implemented, otherwise the system becomes disengaged, with unitary goals and objectives lost in the process.

The inherent tensions between the courts and corrections administration have tradionally been balanced in the sentencing

process. In Table 4 the various sanctions and accompanying conditions controlled by each element are briefly outlined. It is of interest to note that for the most punishing of the sanctions, imprisonment, the judiciary has the least control in specifying actual placement detail, but as one moves to the alternatives, more authority is placed in the hands of the judiciary for specification of conditions and placement.

In any earlier study conducted in British Columbia, examining the relationship between judicial recommendations made at sentencing for incarcerative dispositions and actual outcome, it was first of all found that only eight percent of the warrants of committal contained recommendations for specific conditions such as work release, or psychological treatment. Second, many of the provincial court judges interviewed for the study stated they did not feel it was their authority to specify conditions or placement detail for corrections; that was the function of classification (Ostrowski & Stevens, 1982: 132).

Compare that, however, with the analogous power judges have in determining alternative placements: hours of community service work, the amount of time to pay, time to perform, and fine option.

From the present survey, corrections' perspective suggests that the authority and administrative options open to corrections are being further limited in this regard, in the interest of providing equality before the law. This is

Table 6

Range of Sanctions

Type	Objectives	Court	Sentence Administrators
Jail or Penitentiary:			
	protect society deterrence - general - specific punishment rehabilitation	length intermittent	type of custody level of security type of programme T.A. release parole and conditions
Residential Centre (Non-Gazetted):			
	punishment rehabilitation reintegration provide housing supervise	condition of probation	type of residence level of supervision type of programme - inside - in community T.A. release parole condition
Attendance Programme (Daytime):			
	rehabilitation	condition of probation	type of programme T.A. release parole condition

Range of Sanctions (continued)

Type	Objectives	Court	Sentence Administrators
Probation or Parole:			
	supervise punish deterrence rehabilitation	length of probation parole eligibility date conditions of probation - reporting - curfews - associations - movement - activity school work, etc.	conditions of parole "as directed by probation officer"
Monetary or Service Orders:			
	punish compensate - state - agency - business - individual rehabilitation	type - CSO - restitution - compensation - fine option - fine amount time to pay time to perform jail length in default	enforcement - criminal - civil fine or fine option time to pay payment schedule maximum amounts equivalences - work - jail

served by increasing the discretion exercised by the courts. The questions they raise deal directly with this issue.

Are the courts in the best position to prescribe the types of programmes which are made available to convicted persons through correctional practices? Can the courts respond to, or anticipate changes in circumstances which individual offenders face over time, or the changes in individual behaviour - at the time the sentences are imposed? Should such decisions be left with those responsible for the administration of sentences?

If on the other hand, powers or authority of the courts are limited with an increase of discretion given to corrections, is it possible for that authority to increase to the point at which discrepancies of the distribution of correctional services in programmes result in unfair or unequal treatment of offenders? This certainly would be a concern if sentencing equity and Section 15 of the Charter, on equality before the law, are considered sentencing policy foci.

If the sentencing options open to the court are only general in nature, that is, only the specification of the type of sanction such as custody, probation, and/or monetary sanction with the amount imposed, then where are the monitoring and appeal mechanisms?

Or another obvious suggestion, is for some sort of parallel direction of power to be enforced, such as was noted with the courts' power to order intermittent sentences and with

corrections agencies' authority to grant temporary absences. This is probably not a viable direction, however, in light of the functioning of that very type of arrangement at present. Corrections administrators appear not to be committed to the use of intermittent sentencing for various problematic reasons dealing with provision of services and resources.

Finally, should the amounts of monetary sanctions which include fines, restitution, compensation and community service be determined by the criminal courts, or through civil procedure as seems to be the direction in Quebec? Are monetary sanctions to be enforced through civil remedies? Again, this represents a determination of power between the courts and the executive.

Convergence

No matter who possesses the actual authority over alternatives, the key focus in determining between policy and practice should be upon the relationship among the various purposes of sentencing, the alternatives themselves and ultimately the actual sentences. If there are principles of sentencing that specify 1) a sentence should be proportionate to the gravity of the offence; 2) sentences should be similar among offenders charged with similar offences committed in similar circumstances; and 3) sentences should be the least onerous in a circumstance (proposed Bill C-19 (section 645 (3)(a-c))), the question then is, how is this to be achieved? It is suggested

and recommended that only with a table of equivalences for the various sanctions is this possible.

The need for such an exercise is highlighted when considering current concerns over victim compensation. Whether or not the victim is the state, federal, provincial or municipal properties, private properties or individuals, the alternatives, as well as incarceration, need to have a cohesive set of tariffs. Specifically, how many dollars in a fine, equals how many days in jail, equals how many hours in a CSO program?

Further, actual practices need to be equated with one another. Is an individual in a small northern community with no CSO program in operation, being punished more because of this deficiency when compared with an offender in the south? In this sense, the sentence is truly determined by what is available, or what is not available. Also, how is the need for consistency to be balanced by community standards? That is, if a monetary equivalent is established for fine/jail option, is this a true equivalent in a less economically viable jurisdiction when compared with a wealthier community?

One of the trends apparent at present is one of convergence of alternatives, a confusing convergence at that, which is another argument for the need for equivalences. The range of options are often being traded off one against the other, or in combination with one another, for example, victim/offender reconciliation with restitution, CSO with fine option, fine in

place of CSO. This seems to have at least partly emerged from the increased concern over victims of crime and their needs. More programme options which are compensatory in nature have thus developed, or are being considered for development; for example, the fine option proposal in British Columbia.

A final reason for the need for equivalences is, of course, the proposal for a just deserts model in order to better fit the offence to the sanction. The model would also seem to encourage the emphasis upon the potentially punitive nature of all sanctions. This is, obviously, an easier exercise in the case of incarcerative sanctions. Nevertheless, it can be done for alternatives as well. For example, the community service order has a community involvement component for the offender but it also has the more punitive objectives of restitution through compensation (Cohen, 1979: 377). It provides 'punishment' in full view of the citizenry in much more concrete terms than the more vaguely specified traditional probation order. There is a fixed objective ordered by the court (Young, 1979: 41).

It has also been argued that these alternatives will continue to intrude into the every day life of the released or diverted offender. That in fact <u>is</u> the punishment aspect, loss of personal autonomy outside the institution; however, this will be done more in terms of group offender monitoring rather than individual offender monitoring (Mathiesen, 1980: 157). This can be demonstrated with reference to current trends in alternatives.

For example, the development of electronic monitoring technology provides the ultimate in an 'alternatives to incarceration' mentality. The provinces of Ontario, Alberta and British Columbia are currently considering this alternative. Once again it is a measure tauted to be cost effective, relieve prisons of overcrowding and more humane than incarceration. The theme continues.

In a considered review of the topic, Burtch (1986) indicates that the technique probably is more appropriately applied to minor offenders such as impaired drivers for control purposes, "since it allows them to pursue their social obligations and work while ostensibly reducing state expenditures on incarceration and promoting public safety" (p. 7). But as with many of the alternative proposals, it is not clear that 1) the electronic devices will act as a deterrent, 2) they will be effective for offenders, such as white collar criminals, 3) it would be in fact an inexpensive enterprise for corrections, or 4) the technology is advanced to the point where such an alternative would be viable.

The monitoring by electronic surveillance has been perceived as either a monstrous 'big brother' development of the state machine to control its citizens, even for less serious crimes, or a marvel of social freedom which allows the offender free access to work in family. It is punishment for some; it is not for others.

Again, we must sort out whose opinion it is to determine such direction. What is a 'community'; who defines it? Who is it that wants a just deserts model? It cannot just be the community, since that does not appear to be a necessary or sufficient cause for policy action, e.g., the capital punishment issue which the public has rather consistently advocated for, but which has as regularly been rejected by government decision-makers.

The Sentencing Commission has been mandated to examine sentencing reform and it not unreasonably expressed a desire to discover what exists in the way of sentencing alternatives and options to inform its recommendations. Also, the Ministry of Justice, the Ministry of the Solicitor General, the Centre for Justice Statistics, etc., have undertaken similar projects. It is suggested that the interpretation that each of these invested interests would make could differ widely, even given the same information on the alternatives, never mind four or five different data sets. The interpretation must be placed into the context and interests of the interpreter.

As stated earlier, the primary focus for this study requires an examination of the two major stake holders in a sentencing policy surrounding alternatives, the courts and corrections. If we are to view the problem from corrections' perspective, the directions are clear; reduce overcrowding in jails with cost effective alternatives, perhaps with private agencies who are carefully monitored and standardized, but will not cost

corrections on paper; develop many options for not only sentencing, but even at probation and parole revocation hearings (and possibly even in the initial classification sessions) (Harris, 1985), and for humanizing and reintegration purposes.

The need is not in question. Jails cannot hold increasingly more offenders, nor can more institutions be built. There is no money.

But, in order to implement these objectives as policy from the Commission's point of view, and the pressure is there for implementation from corrections and the public, one needs a rationale, a justification, a philosophy, and it can no longer be rehabilitation with the accompanying soft ideology of probation. Times are hard, what must be done? The answer may come by way of the courts, by way of sentencing policy, and the just deserts model could fill the bill. If the concepts can operate on sentencing guidelines, which control the stream to corrections, or out of it, by reference to dispositions more equated with offence concerns rather then individual offender concerns then the overloading of the system with conflicting purposes could end. If the judge becomes less concerned with matching an offender's needs to a programme either within or without an institution (i.e., if his cognitive set can be changed about alternatives at this stage), then the need for such programmes logically declines.

At the same time, if non-custodial options come to be more onerously perceived then the just deserts model can consistently operate to relieve the jails of certain offenders who are, nevertheless, 'punished' and not pampered by the alternatives.

Thus, one now finds advocates for not setting maximums for CSO work length, clearly because they limit its utility as an alternative for some of the more serious offences (and offenders). The weight of these 'penalties' (used instead of the terms 'diversion' or 'options') has to be increased so that the deterrent features are highlighted for all involved: the offender; the public; the judiciary; corrections; and the police. Otherwise, as has been suggested by some provincial court judges, if a just desert model is advocated, the judiciary will find it <u>easier</u> to sentence offenders to jail, rather than to alternatives.

In contrast to this perspective, one finds some doubt expressed by upper level management and administrators in corrections regarding the possibility of alternatives becoming transformed to a more punitive state. Perhaps sentencing alternatives are a luxury, which can be no longer afforded in this rigorous time of restraint. A straight just deserts model limited to sentencing to incarceration on a grading of seriousness of offences, appears to be their preference with no alternative 'frills'.

On the other hand, corrections line workers are individuals who often, when interviewed about the value of alternatives and the continuance of them, suggest that there is a real need, no matter what the current philosophy, policy, or rationale for alternatives. Offenders cannot simply be dumped back into the community without some assistance or monitoring. The two different perspectives are, of course, not unusual to a huge bureaucratic setting such as exists in corrections, where there are tiers of commands. Nevertheless, again it suggests a disjuncture of perception and purpose.

Both corrections and sentencing policies must be shifted together if an articulated shift is deemed necessary. However, it is suggested that the long term consequences of such a model have not yet been thought out empirically. For example, how would a just deserts model actually be applied? Through shorter incarcerative sentences? How does one go about grading the seriousness of offence in order to match the seriousness of penalty? What would happen to the consideration of offender characteristics, or mitigating circumstances for alternatives or incarceration? Also, one not unreasonable result of a just deserts model, is the changing inmate profile, such that only dangerous individuals are incarcerated. How does that affect the management of the institutions? The concerns of securing facilities filled with intractable, explosive offenders, deserves some attention.

As well, with the entry of Charter concerns about equal treatment, and the Sentencing Commission's concerns about equity, the question again arises with regard to what is available in various jursidictions. It will also be difficult to determine the extent of punishment arising from alternatives' participation. Criteria now relate to cost/benefit factors and recidivism rates, which are extremely hard to compare with institutional figures, but in the future, degree of harshness may have to be weighed in some manner, if the just deserts model prevails. It is true that presently pilot studies are looking at the use of computerized guidelines, but they are not as yet at the stage for providing reliable or valid feedback.

The dilemma between rhetoric and reality, policy and practice, emerge concretely on this issue. The present report has merely provided descriptive information on the programmes, their costing, their availability, their stated objectives; an innocuous task in light of the stated purposes of the Sentencing Commission. However, it may well assist in the exercise of considering if the just deserts model is feasible. It is hoped that it will help in determining what questions should be addressed, what directions does the system appear to be taking in terms of alternatives, and how do they meld with with proposed reforms?

Just as Doob and Roberts (1982) conclude that only a naive politician or judge would urge a poorly informed public to be followed blindly, it is suggested that a poorly informed

Sentencing Commission must not lead us blindly. That it will not is indicated by its sincere conscientious efforts to obtain the opinion and perceptions, not only of academics and researchers, but of the public, the offenders, and those who are ultimately responsible for the sentencing outcome.

APPENDICES

CANADIAN SENTENCING COMMISSION

British Columbia

David Bahr
Deputy Commissioner of Corrections
Corrections Branch
Ministry of Attorney General
910 Government Street
Victoria, B.C.
V8W 1X3

Vern Burkhardt
Director, Resource Analysis
Corrections Branch
Ministry of Attorney General
910 Government Street
Victoria, B.C.
V8W 1X3

Len Cervo
Corrections Branch
Ministry of Attorney General
910 Government Street
Victoria, B.C.
V8W 1X3

Alberta

Cecilie Lord
Director,
Correctional Services Div.
Alberta Solicitor General
10th Floor, John E. Brownlee Bldg.
10365 - 97th Street
Edmonton, Alta.
T5V 3W7

Ronald Nadeau
Asst. Dir. Planning and Operations
Correctional Services Div.
Alberta Solicitor General
10th Floor, John E. Brownlee Bldg.
10365 - 97th Street
Edmonton, Alta.
T5V 3W7

Saskatchewan

Larry Wilson
Director of Community Operations
Corrections Division
Saskatchewan Justice
1874 Scarth Street
Regina, Sask.
S4P 3V7

Manitoba	Jan Beckwith Research Officer Corrections Manitoba Community Services Bldg. 21, 139 Tuxedo Avenue Winnipeg, Man. R3N 0H6
Ontario	Diana Sepejak Manager (Acting) Research and Evaluation Ministry of Correctional Services 2001 Eglinton Avenue, E. Scarborough, Ontario M1L 4P1
	Judi Richter Senior Advisor Community Development Unit Ministry of Correctional Services 2001 Eglinton Avenue, E. Scarborough, Ontario M1L 4P1
Quebec	Jean Claude Fortier Direction de participation Commantaire Dir. générale probation et Detention Ministère de la Justice du Quebec 1200 rte de l'Eglise 9e étage Ste-Foy, Quebec, P.Q. G1V 4M1
	Jean-Guy Darveau Service de la planification et recherche Ministere de la Justice du Quebec 1200 rte de l'Eglise 9e etage Ste-Foy, Quebec, P.Q. G1V 4M1
New Brunswick	Brenda Thomas Research and Planning Department of Justice Rm. 624, King's Place P.O. Box 6000 Fredericton, N.B. E3B 5H1

Nova Scotia

Kathleen Waters
Research and Planning
Department of the Attorney General
Halifax, N.S.
B3J 1H1

Fred Honsberger
Director of Probation and Youth Services
Department of the Attorney General
Halifax, N.S.
B3J 1H1

Prince Edward Is.

Phil Arbing
Dir. of Prob. and Family Court Services
Department of Justice
Provincial Administration Bldg.
P.O. Box 2000,
73 Rockford Street
Charlottetown, P.E.I.
C1A 7N8

Newfoundland

Marvin McNutt
Director
Adult Corrections
Department of Justice
120 Water Street
St. John's, Nfld.
A1C 5X8

Northwest Territories

Don Blaquiere
Program Research Officer
Yellowknife Correctional Centre
Gov't. of Northwest Territories
P.O. Box 278
Yellowknife, N.W.T.
X1A 2N2

Correctional Service of Canada

Susan Caldwell
Director Policy
Correctional Service of Canada
Ottawa, Ont.
K1A 0P9

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
SIMON FRASER UNIVERSITY

Faculty of Arts
School of Criminology

Burnaby, British Columbia
Canada, V5A 1S6
Telephone: (604)291-4469

Adult Alternative Sentencing Survey
(For the Canadian Sentencing Commission)

Please accept our sincere appreciation for your agreement to act as contact person in your jurisdiction relative to the adult alternative sentencing survey we are undertaking for the Canadian Sentencing Commission.

We are providing you with copies of the general survey instrument entitled "Adult Alternative Sentencing Survey" which we would like to have distributed to persons in the following categories:

> Administrative personnel with overall responsibility for the administration of alternative programs;
>
> Persons who have administrative responsibility for specific alternative programs; and,
>
> Research or planning personnel who have responsibility for evaluation, monitoring or program planning and whose responsibility would encompass alternative programs.

We would ask that you identify these persons (or a representative sample of them) and submit this survey to them. Because of the time limitations on our project, any effort you can make to effect immediate return of these survey instruments would be appreciated. A member of our research team will liaise with you to provide any assistance you require and to gather the completed surveys once they are returned to you.

/.....

In addition, we are submitting to you one copy of the survey instrument entitled "Administrative Overview - Adult Alternative Sentencing Survey". It would be most appreciated if you would take personal responsibility for completing this questionnaire, either by filling it out yourself, or identifying someone more appropriate to complete it. One of us will make arrangements with you for the return of this survey instrument as well.

A member of our research team will be discussing with you the possibility of accessing any documentation from your jurisdiction on alternative programs, as well as arrangements for a possible field visit to a selected program.

There are two general questions which were not appropriate to include in the overview instrument which we hope you can answer for us. The first is, how much funding is allocated yearly to adult alternative programs and how much to incarceral programs; and second, how many adults are annually streamed to alternative programs and how many to incarceral facilities?

Again, your assistance in this matter is sincerely appreciated.

Sincerely,

John W. Ekstedt, Ph.D.
Director,
Institute for Studies in Criminal Justice Policy

December, 1985

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
SIMON FRASER UNIVERSITY

Adult Alternative Sentencing Survey

This survey, on behalf of the Canadian Sentencing Commission, is part of a national review of alternative sentence dispositions for adult offenders in Canada. Your response and opinion with regard to sentencing alternatives for adults in your jurisdiction would be greatly appreciated.

Please feel free to make additional comments, or explanations, at any point in the questionnaire. You may lack precise information or knowledge related to some categories of questions. However, we are most interested in your perception of the state of alternative programming in your jurisdiction. Please try to answer the questions as completely as possible. If you have any questions you may contact David Williams or Liz Szockyj at (604)291-4469.

Your Jurisdiction (province or territory and agency) _____

Your Name and Official Title _____

1. Which of the following programs are currently in existence in your jurisdiction? (please check)

   Restitution ___ Fine Option ___ Community Service Order ___
   Victim/Offender Reconciliation ___ Temporary Absence ___
   Attendance ___ Intermittent Sentence ___ Prison Industry ___
   Other (please specify) _____

2. Please estimate the percentage of government expenditures committed to traditional sentencing practices (i.e., imprisonment) in comparison to alternative sentencing.

   Traditional ___ % and Alternatives ___ %

3. Please give an example of an alternative program which is operating successfully in your jurisdiction.

   _____
   _____
   _____
   _____

4. Are you aware of any adult alternative program initiatives currently being considered in your jurisdiction? (If so, briefly describe)

_____

_____

_____

_____

5. Please indicate any alternative adult program not available in your jurisdiction which you would like to see developed. (Please explain)

_____

_____

_____

_____

_____

6. What do you consider to be the trend or emphasis in alternative programs for adults in your jurisdiction (services to victims, payment of fines, service to the community, life-skills for the offender, therapeutic interventions, etc.)?

_____

_____

_____

If you are administratively responsible for a specific alternative program, please complete the following:

Program title: _____

Location: _____

1. Is this program administered by:

   1) Government agency (identify) _____

   2) Private agency (identify) _____

2. How long has this type of program been in existence in your jurisdiction?

___ years ___ months

3. Please check the program's major source of funding

Provincial ___

Federal ___

Private (please specify) ___

4. What are the goals/objectives of the program?

5. Approximately how many adults were admitted to the program in 1985?

6. Please identify any problems that have been encountered with the operation of the program.

7. Has the program been formally evaluated? Yes ___ No ___

8. If no, what was the purpose of the evaluation? (funding submission, program review, general research interest, etc.).

What criteria were used in the evaluation?

Recidivism ___

Cost/effectiveness ___

Management efficiency ___

Other ___

December, 1985

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
SIMON FRASER UNIVERSITY

Administrative Overview
Adult Alternative Sentencing Survey

(Please complete an "overview" for the following program category).

Program Category: **

How long has this type of program been operating in your jurisidiction:

_____

Funding:

Government ___ Federal ___ Institution ___
Private ___ Provincial ___ Community ___

Type of Client:

Age ___
Previous Criminal Record? Yes ___ No ___
Specialized Needs _____

Stage of Intervention:

Pre-trial ___
Pre-sentence ___
Post-sentence ___

** This form was filled out for each of the eight programmes investigated, e.g., fine-option, community service order, restitution, victim-offender reconciliation, attendance centres, temporary absence programmes, prison industries, and other.

Administrative Overview (continued)

Goals/Objectives:

Program in conjunction with sentence of:

Evaluations:

Strengths -

Weaknesses -

Principal Criticisms:

Cost of Program:

Comments:

December, 1985

SENTENCING ALTERNATIVES PROJECT

SUMMARY SHEET

Reference:

Program Title:

Program Category:
Restitution __ Fine Option __ C.S.O. __ V.O.R.P. __
T.A.P. __ Therapy __ Prison Industries __ Intermittent Sentence __
Attendance Programs __ Other Probation Alternatives _____
Other _____

Program Location:

Time Duration:

Funding:
Government __ Federal __ Institution __
Private __ Provincial __ Community __

Type of Client:
Age ___
Previous Criminal Record __
Specialized Needs _____

Stage of Intervention:
Pre-trial __
Pre-sentence __
Post-sentence __

Goals/Objectives:

Program in conjunction with sentence of:

Program Purpose:
Rehabilitation __
Restitution __
Reintegration __
Reparation __
Deterrence __
Other _____

Evaluations:

Date:

Effectiveness:

Recidivism __
Community Support __
Policy Review __
Other _____

Efficiency:

Management Review __
Cost/Benefit __
Other _____

Interval Monitoring:

Strengths:

Weaknesses:

Principal Criticisms:

Administrative Criteria:

Cost of Program:

Staff Training Requirements:

Procedural Problems:

Comments:

Financial Statement of Federal Prison Industries

	Sand River 1984/85	Springhill Tree Nursery 1984/85	Joyceville Pilot 1985/86 YTD
Revenue	0	17378	1513496
Direct Costs:			
-Salaries	147638	87139	304172
-O&M	0	41274	78432
-Direct Production Costs			1066170
Total Direct Costs	147638	128413	1448774
Net Cost:	-147638	-111035	64722
Average No. of Inmates	24	16	63
Average Cost/Inmate	6152	6940	1027
Inmate Wages Paid	164648	93374	200703
Deductions:			
-Room and Board to CSC	18077	17378	22650
-Income Tax	11300	4199	221
-Canada Pension	2813	1382	1450
-Unemployment Insurance	5052	3430	4665
-Equipment	30814		
-Safety Supplies	9300		
-Maintenance Supplies	10100		
-Recreation Deduction			3632
-Inmate Welfare Fund			1270
Total Deducations	87456	26389	33889
Net Wages:	77192	66985	166815
Average Wages/Inmate	3216	4187	2648

Fine Options

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